

REFLEXIONS
UPON THE
OATHES
OF
SUPREMACY
AND
ALLEGIANCE.

BY

A Catholick Gentleman, an Obe-
dient Son of the Church, and
Loyal Subject of his Majesty.

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Printed in the Year.
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ERRATA.

Page 15. line 7. set read set, l. 15. delſ and, p. 22. l. 25. excepting r. not excepting, p. 25. l. 8. Christian r. Christians, p. 26. l. 24. Authority r. Authority, p. 33. l. 6. r. in the marg. ib. p. 13, p. 41. l. 18, ther r. their, p. 42. l. 31. mogannant r. moyenant, l. 32. entire r. entier, p. 47. l. 2. Scots r. Scott's, p. 57. l. 19. invention r. intention, p. 58. l. 32. the useſelfeſſe r. useleſſneſſe, p. 61. l. 18. Charter r. Character, p. 62. l. 10. at r. an, p. 65. l. 7. permitted to the people to be taught, r. permitted to be taught to the people, p. 73. l. 6. fierſ Estate r. Tiers Estat. l. 7. they are r. there are, l. 21. to Article r. to be an Article.

REFLEXIONS UPON THE OATHES OF Supremacy and Allegiance.

SECT. I.

*The Occasion of making these Reflexions: And
the summe of that which follows.*


He Divine Providence having
been so watchful over His
Most Sacred Majesty in his
wonderful preservation from
dangers, and so miraculous in
restoring him to his Throne,
just and necessary it is that
both Himself and his Counsel should make
use of all lawful means to preserve him in
Safety, and his Subjects in Obedience and
Peace. And because a greater obligation
cannot be imagined among Christians than
a Solemn Oath, it became them to make use
of that Obligation indifferently to all, the Declaration
which in all probability would now at last ~~have~~ from
have a greater effect by vertue of his Majesties Declaration of a Liberty to tender ~~have~~ April
Sciences, and that no Man shall be disquieted, 4. 1660.
or 14.

Reflexions upon the Carts

or call'd in question for differences of Opinion in matter of Religion, which do not disturbance the Peace of the Kingdom: by which is taken away the chief cause which began and fomented the late Troubles and confusion.

2. Notwithstanding seeing that the manner of the application of that Preservatory and remedy of an Oath, hath lately occasioned great Disputes, and unquietness of minds, in several persons; and seeing the Oath by none more readily taken and earnestly imposed on others, then by those who began the War, and promoted the Covenant, and of whose party not one was ever found that drew a sword for his Majesty; and on the other side by none more scrupled at or refused, then by those who alwayes affilied the King, and of whose party never any one drew a Sword against him, and withall of whose Loyalty His Majesty hath oft professed that he hath sufficient assurance: The consideration of all this begat in my mind an Opinion, that surely there lay hidden in these Carts some Mystery fit to be discovered, and which is attempted in the following Reflexions.

1. In which, 1. After a brief Declaration of the Nature of a solemn Oath; how high a point of Gods Worship it is, and what Reverence and caution is to be used in it. 2. And after the setting down the Formes of the two Oaths at this time imposed. 3. There follow Reflexions upon the laid Oaths in gross, shewing the occasion of the making of them, &c. 4. After which it is demonstrated that the Oath of Supremacy as it lies, and according to the sense of the first Lawgiver, cannot lawfully or sincerely be taken.

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taken by any Christian. 5. Then is declared in how different a sense the two Oaths are taken by Protestants, 6. And by Presbyterians, Independents, &c. 7. And upon what grounds Roman-Catholicks do generally refuse to take the Oath of Supremacy, 8. And some of them make scruple to take that of Allegiance. 9. Lastly there are short Reflexions on his Majesties Gracious Declaration for tender Consciences, shewing who have the justest pretensions to the benefit of it, &c.

4. All this is offered to the consideration of all good Christians among us, to the end Advice may be taken whether it be for Gods honour, or the Kingdoms peace, that such Formes of Oaths so manifestly ambiguous, so inefficacious to the producing of Loyalty and Peace in the generality of the Kings Subjects, so piercing and wounding to tender Consciences, &c. should be continued to be imposed, or new Formes more effectuall for his Majesties security contrived, after the Example of Scotland, &c.

SECT. II.

Touching Oaths in General.

5. **A** NOATH, by which God is invoked as a witness, Surety and caution of whatsoever we affirm, renounce and promise, and a Revenger upon us if we transgres in any of theire, is certainly an high Act of Religion: but such an one, as that like Medicines, it ought not to be used except in cases of just necessity, and then with great advice and sincerity.

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6. The conditions therefore required by God himself in an Oath are expressed in this saying of the Prophet, *Thou shall swear, The Lord liveth, in truth, and in judgment, and in justice.* So that if an Oath be ambiguous, capious or false, it wants the condition of *Truth*. If it be either unnecessary, or indiscreet and unprofitable, it will be destitute of *Judgment*; and if in the Object and Forme of it, and in the mind of the Taker, there be not a conformity to the Eternal Law of God, it will want *Justice*: Lastly if with all these, it be not attended with fidelity in the execution of what is promised, (supposing it be a Promissory Oath), and this according to the intention of the Law-giver, it will be dishonourable, Irreligious and odious to God; and wanting any of these conditions it will respectively be destructive to those that so contrive or take it.

7. All these conditions are doubtless with more then ordinary caution to be observed in Solemn, publick and *National Oaths*: the breach of which will involve whole Kingdomes in guilt and punishment, and this, even in the Opinion of Heathens, inevitably.

8. These things considered, if we will call to mind how many *Oaths*, *Covenants*, *Abjurations*, &c. Ambiguous, Entangling, Trayterous, Contradicting one another, and consequently inducing a necessity of Perjury, have been sometimes voluntarily taken, or by a pretended Authority imposed on the Subjects, it will surely deeply concern us all to take some fitting course to avert Gods most just indignation from our Nation.

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by man, by humbling our selves before his Divine Majesty, and making a publick acknowledgment of the guilt universally contracted by us: and however for the future to take care that men may clearly see and understand what it is that they must be compelled to wear.

S E C T. III.

The Forme of the two Oathes, Of Supremacy and Allegiance, and the proper literal fence of them.

The Oathes at this time in force, and publickly or generally imposed are two, 1. that of *Supremacy*, 2. that of *Allegiance*, conceived in distinct Formes.

10. The Oath of *Supremacy* is in the forme *An. 5. Eliz. cap. 1.*

I A. B. do utterly testifie and declare in my conscience that the Kings Majestie is the only supream Gouvernour of this Realme, and of all other his Highnesse Dominions and Countries, as well in all Spiritual or Ecclesiastical things or causes, as Temporall: And that no Forreign Prince, Person, Prelate, State or Potentate hath or ought to habe any Jurisdiction, Power, Superiority, Pre-eminence, or Authority Ecclesiastical or Spiritual within this Realme: And therefore do utterly renounce and forsware all

soveraign Jurisdictions, Powers, Superiorities and Authoritatis: And doe promise that from henceforth I shall bear faith and true Allegiance to the Kings Highness, his heirs and lawfull Successours, and to my power shall assist and defend all Jurisdictions, Priviledges, Pre-eminencies and Authorities granted or belonging to the Kings Highness, his heirs and Successours, or united and annexed to the Imperial Crown of this Realme: So help me God, and by the Contents of this book.

II. The tenor of the Oath of Allegiance
An 3. Jac is this, viz.
cap. 4.

I A. B. do truely and sincerely acknowledge, profess, testify and declare in my conscience before God and the World, that our Soveraign Lord King C H A R L E S is lawfull and rightful King of this Realme, and of all other his Majesties Dominions and Countries; and that the Pope neither of himself, nor by any authority of the Church or See of Rome, or by any other means, with any other, hath any Power or Authority to depose the King

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King, or to dispose any of his Majesties Kingdomes or Territories, or to authorise any foreign Prince to invade or annoy him or his Countries, or to discharge any of his Subjects of their Allegiance and Obedience to his Majesty, or to give licence or leave to any of them to bear Armes, to raise tumults, or to offer any violence or hurt to his Majesties Royal Person, State or Government, or to any of his Majesties Subjects, within his Majesties Dominions. Also I do swear from my heart that notwithstanding any Declaration or sentence of Excommunication or Dispensation made or granted, or to be made or granted by the Pope or his Successors, or by any Authority derived, or pretended to be derived from him or his See, against the said King his Heirs or Successors, or any Abolition of the said Subjects from their Obedience I will bear faith and true Allegiance to his Majesty his Heirs and Successors, and him and them will defend to the uttermost of my power against all conspiracies and attempts whatsoever, which shall be made

against

against his or their Persons, their Crown or dignity, by reason or Colour of any such sentence or declaration, or otherwise; and will do my best endeavour to disclose and make known unto his Majesties Heirs and Successours all Treasons and Traiterous conspiracies which I shall know or hear of to be against him or any of them. And I do further swear that I from my heart abhorre, detest and abjure as impious and heretical this damnable doctrine and position, That Princes which be excommunicated or depriued by the Pope may be deposed or murthered by their Subjects, or any other whatsoever. And I do believe, and in my conscience am resolved that neither the Pope nor any person whatsoever hath Power to absolve me of this oath, or any part thereof, which I acknowledge by good and full authority to be lawfully ministred unto me. And do renounce all Pardons and dispensations to the contrary. And all these things I do plainly and sincerely acknowledge and swear according to these expresse words by me spoken, and according to the plain

and common sense and understanding of the same words, without any equivocation or mental evasion, or secret reservation whatsoever. And I do make this recognition and acknowledgement heartily, willingly and truly, upon the true faith of a Christian: So help me God.

12. These are the forms of the two Oathes: Both which if they be understood according to the proper and natural sense of the words import, that there being only two kinds of *Jurisdictions*, viz. *Spirituall* and *Temporal*, both which are named here, the King within his Dominions is equally the Fountain and Root of them both: So that whosoever exercises any office or Magistracy either in the State or the Church, does it (and must acknowledge so much) merely by communication from the King, or a participation of so much of his power as he is pleased to impart. Upon which grounds it will follow not only that no foreign Prince, Prelate, &c, No Assembly or Council of Bishops, though never so Oecumenical hath right to any superiority or Jurisdiction within these Kingdome, but also that whatsoever any Bishop or Priest in the Kingdom &c. acts in matters & dutie's purely Spiritual, as conferring Orders Ecclesiastical, inflicting censures, administering Sacraments &c. they do all this with a direct subordination to the King, & as his Delegates or Substitutes: insomuch as if he pleases, he may

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may himself exercise all those functions personally, and may according to his pleasure suspend the execution of them in all others.

13. All this plainly seems to be the true importance of the Oathes; neither will any Stranger or dis-interessed person, reading them frame to his mind any other meaning of them: though certain it is that our four last Princes have not intended that all that took them, should accowledge all this, that is imported by them. Neither is there at this day any Church or Assembly of Christians, nor perhaps any person (unless it be the *Author of Leviathan*) that taking these Oathes, will or can, without contradicting his belief, mean all that the formes and clauses of them do directly, properly and Grammatically signify, as shall be Demonstrated.

S E C T. IV.

Reflections upon these two Oathes in grosse.

14. IT well deserves to be considered, what was the occasion of framing this Oath of Supremacy by K. Henry the eighth, and what power he received, or at least executed by vertue of such *Acts* of Parliament as enjoyned the taking of it, &c.

15. The Title of *Supream head and Governor of the Church of England*, was first given to King Henry the eighth, in a Petition addressed unto him by the Bishops, obnoxious to a *Premunire* for having submitted to Cardinal Wolsey's Legantine power without the Kings assent. Now how far this new Ecclesiastic al-

Ecclastical power of the King was intended to extend, will appear by following Acts of Parliaments, and by the Kings own proceedings in virtue thereof.

13. It was enacted by Parliament, 1. that no Canons or Constitutions could be made by the Bishops, &c. and by them promulgated or executed without the Kings command. 2. Yea the Clergy were forced to give up also their power of executing any old Canons of the Church without the Kings consent had before. 3. All former Constitutions Provincial and Synodal, though hitherto in force by the authority of the whole Church (at least Westerne) were committed to the arbitrament of the King & of sixteen Lay persons and sixteen of the Clergy appointed by the King, to be approved or rejected by them, according as they conceived them consistent with, or repugnant to the Kings Prerogative, as now a new head of the Church or to the laws of God. By which means without one single voice of the Clergy, all former Ecclesiastical Lawes might be abrogated. 4. An authority was allowed to the King to represso and correct all such errors, Heresies, abuses and enemities whatsoever they were, which by any manner of spiritual Jurisdiction might lawfully be repressed, &c. any sovereign Lawes, or any thing to the Contrary notwithstanding. 5. All manner of Jurisdiction Ecclesiastical was by Parliament acknowledged to belong to the King, as Head of the Church: So that no Bishop had any Ecclesiastical Jurisdiction, but by, under, and from the King. 6. Supreme Power of dispensing with any Ecclesiastical Constitutions is ascribed to the King and Parliament,

Stat. 25.
Hen. 8.

Records
of Convoca-
tion.

vit. Hey-
lins Hist.
Ed. 1. p.
7. Stat.
25. Hen.
8. pref.

Stat. 25.
Hen. 8.
pref. c. 1.

Stat. 37.
Hen. 8. c.
17.

Stat. 23. as recognised Supreme Head of the Church, Hen. 8. c. and the Archbishop is made only the King's Delegate. So that in case he should refuse, two other Bishops might be named to grant such Dispensations. And after all, the King and his court of Chancery are made the last Judge, what things in such Dispensations are repugnant to Scriptures, what not. 7. Men: 8. c. vid. Re-

form Leg. Eccles. de offic. Jud. right he claimed, that no Clergy man being a member of the English Church should exercise it in his Dominions, in any cause or over any person without the leave and appointment of him the Supreme head. Nor any refuse to exercise it whensoever he should require. 8. It was moreover enacted that no speaking, doing or holding against

Stat 32. any spiritual Lawes made by the See of H.c. 26. Rome, which be repugnant to the Lawes of the Realme should be deemed heresies. As also that whosoever should teach contrary to the determinations which since the year 1540 were, or afterwards should be set forth by the King, should be deemed and treated as a Heretick. So that the King and Parliament are hereby constituted Judges of

Stat 2, 15, 6. Ed. 6. Heresy. 9. In the dayes of King Edward the fixt an Act is made in which the King and Parliament Authorise Bishops, &c. by virtue of their Act to take informations concerning the not useing the Forme of Common Prayer then prescribed, and to punish the same by Excommunication, &c. 10. There were also appointed six Prelates and six others nominated by the King, by the same authority to frame a new forme of Consecration of Bishops, &c.

17. Hereby it is apparent that a Jurisdiction purely Spiritual was communicated to, or assumed by King Henry the eighth ; & this he further shewed by many practises. For besides Jurisdiction, as if he had the Key of divine knowledge given him by Christ he set forth Books of instructions in Catholic doctrine by his own authority ; declaring them hereticks that taught otherwise. The labour indeed, and we may say, drudgery of composing those books (as also of executing other spiritual functions) was left either wholly or in part to the Clergy ; but when they had done, he perused them, and made what additions and alterations he pleased in them, and without remanding them to the Bishops, caused them to be printed. The Book with his Interlinings and Changes is still extant.

MS in
Bibl. Cots.

18. Indeed it was only spiritual Jurisdiction that he by his new Title of *Head of the Church* sought to deprive the Pope of : for he feared not his pretended temporal Power which in those dayes the world was little troubled withal. For he stood in need of a power to justify his Divorce and to dispense with the horrible Sacrilege designed by him ; He was unwilling to be looked on by his Subjects as a *Heathen and a Publican*, and therefore to prevent this danger, he devest-ed the Pope, and assumed to himself the power of Excommunication also, that is, not the execution of it , but the disposing of it by Delegation to the Arch-bishop, who should execute it according to his will and directions only.

19. A further irrefragable proove that it was a power purely Spiritual which that King challenged by his new Title ; is taken from

from the Declaration of Stephen Gardiner Bishop of Winchester (the contriver of the Oath) as we find it recorded by Calvin himself; For (saith he) when Stephen Gardiner was upon the Kings affairs at Ratisbon, he there taking occasion to expound the meaning of that Title of Supreme Head of the English Church given to King Henry the eighth, taught that the King had such a power that he might appoint and prescribe new Ordinances of the Church, even matters concerning Faith and Doctrine, and abolish old: As namely that the King might forbid the marriage of Priests, and might take away the use of the Chalice in the Sacrament of the Lords Supper, and in such things might appoint what he list. A Title thus interpreted the same Calvin vehemently inveighs against; calling Gardiner (and worthily) an impesitor, and Archbishop Cranmer with his fellowes inconsiderate persons, who make Kings too Spirituall, as if beside theirs there were no Ecclesiastical Government and Jurisdiction.

20. As for his Son King Edward the sixth; the same Title with the plenitude of power was given him, which he likewise as very a child as he was, executed: for he by his Authority made Ecclesiastical Lawes to be new reformed, Church service and Administration of Sacraments to be changed, and new Instructions in matter of Religion to be published, quite contrary to what the foregoing Head (thought his Father) had decreed to be Christian Doctrine. And the reason was the same, because new Sacrament was to be committed by the Protector, for which he was loath to be excommunicated.

*Calvin
on Amos
cap. 7. vid
Epist.
ded. to
the book
of Juris-
diction of
Bishop
Carlton.*

21. His elder sister succeeding, repealed and renounced this Jurisdiction, and restored it to the Church: But her younger sister repealed her repealings, and took it again, when it was in as high language, yea higher, confer'd on her by Parliament. And there was a greater necessity for it, than her Brother had: For her Mothers Marriage was declared Null by the Pope, and consequently her right to the Crown.

22. And that this was the design & intention, of the Parliament in the first year of her Raign, when they renewed the Title of her Supremacy in Church matters, (though they blushed to call a Woman Head of the Church) may sufficiently be collected from a Speech yet extant, and made in that Parliament upon that occasion by the then Lord Chancelour *Nicholas L. Chan-Heath*; For arguing very strongly against cellour the said Title, and the Authority imported Hearbs by it, he takes it for granted that by gi. speech, ving the Queen such a Title they must for- M.S. sake and fly from the Sea of Rome, : the inconveniencies of which he desires may be better considered. In the next place he recommends to their Advice, what this Supremacy is: For sayes he, if it consist in *Temporal Government*, what further Authority can this House give her, then she hath already by right of Inheritance, and by the appointment of God without their Gift? &c. But if the Supremacy doth consist in *Spiritual Government*, then it would be considered what the spiritual Government is, and in what points it doth chiefly remain. I find, sayes he, in the Gospels, that when Christ gave to St. Peter the Su-
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prême Government of the Church, he said, to him, *Tibi dabo claves Regni celorum, &c.*, That is, I will give thee the keyes of the Kingdom of Heaven, and whatsoeuer thou shalt bind on Earth, &c. Now if you mean to give to the Queen that Authority, which our Lord gave to St. Peter, if you will say, *Nos tibi dabitus claves Regni celorum, &c.* We will give to your Majesty, the keyes of the Kingdom of Heaven, I pray you shew your Commission by which you are authorised to make such a Gift. Again, for the same purpose Our Lord said to St. Peter, *Pasce, &c. Pasce, &c.* Feed my sheep, Feed my sheep, Feed my lambs: As likewise, *Tu aliquando conversus confirma fratres.* When thou art converted, confirm thy Brethren. Now if you mean to say so much to the Queen, let us see your Commission, and withall consider whether her person, being a Woman, be in a capacity to receive and execute such an Authority, since St. Paul forbids a Woman to teach in the Church. Thus argued the said Lord Chancelour, proceeding in the same manner upon other branches of spirituall Government, and concludes, That without a mature consideration of all these premises, their honours shall never be able to shew their faces before their Enemies in this matter.

23. But notwithstanding all this, the Lords, &c, proceeded to frame an Act without any distinct explication, whether it was a Temporal or Spirituall Authority which they gave the Queen. Or rather they framed it with such clauses, as that the most obvious sense of it importred that it was an

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an Authority purely spiritual, that they invested her withall: and most certain it is, that if she had executed such an Authority, she might have justified her so doing by that Act. 24. However, after that Parliament was ended, but before the first year of her Reigne was expired, such considerations as the Lord Chancellour had formerly in vain represented, had so great an influence upon the Queen, that she was obliged by an Admonition prefixed to her *Injunctions*, to declare that which the Parliament would not, that it was not her intent by vertue of that Act to challenge Authority and power of Ministry of Divinite Offices in the Church, but only to have Sovereignty and rule over all manner of persons born within her Realme, of what State either Ecclesiastical or Temporall, soever they be. Which explication of hers was confirmed four years after by Parliament, yet without changing the foregoing Act, or any clauses in it.

25. And consequently she left ordering of matters purely Spiritual to Bishops, &c. Expressly renouncing it; For as for the power of Excommunication, having again taken it from the Pope, she did not fear it from any of her Bishops.

26. In the times succeeding after her, what qualifications were made and declared by three Kings touching spiritual Jurisdiction, shall be shewed afterward. They had not any such interests, nor such fears as the three foregoing Princes had; and therefore look'd with a more indifferent eye upon the matter. Without repealing lawes, or changing the Exteriour Forme of the oath of Supremacy,

premacy, they esteemed it sufficient to qualify it by moderate interpretations, as shall be shewed.

27. As for the other Oath of Allegiance, the compiler whereof was King James, the most sad and horrible occasion of it is but too well known; the intention of it is obvious, and the sense plain. So that it did not stand in need of such a Multiplicity of Acts of Parliament, with many clauses to shew the extention of it. Excepting ~~one~~ party, scarce any except against it; and were it not for some few incommodious expressions and phrases (nothing pertaining to the substance and design of the Oath) it would freely and generally be admitted and taken, notwithstanding the foresaid parties condemning it, who take that advantage to decry the substance of the Oath, from which they have an aversion in as much as Fidelity is promised thereby.

SECT. V.

That the Oath of Supremacy as it lies, and according to the sense of the first Lawgiver, cannot lawfully and sincerely be taken by any Christian.

28. **I**t is a truth from the beginning acknowledged by the Fathers of the Church, that all Kings are truly Supreme Governors over the persons of all their Subjects, and in all causes even Ecclesiastical, wherein their civil authority is mixed. Constitutions of Synods, however they may oblige in conscience, and be imposed under spiritual censures, yet are not laws in any Kingdom.

Kingdom, that is, they they are not commanded, nor the transgression of them punishable in external Courts by outward punishments, as Attachments, Imprisonments &c. further then suprem Civil Governors do allow.

29. This is a right due to all Kings, though Heathens, Hereticks, &c. So that Kings by being converted to Christianity or Catholick Religion, have nor any new Jurisdiction added, or their former enlarged thereon. They do not thereby become Pastours of souls, but sheep of lawfull pastours: And it is not a new Authority, but a new duty that by their conversion accrues to them, obliging them to promote true Religion by the exercise of their Civil Authority and Sword: And Subjects are bound to acknowledge and submit to this Authority of theirs, that is, not alwayes to do what Princes in Ecclesiasticall matters shall command, but however not to resist, in case their inward Beliefs be contrary to theirs, but patiently to suffer whatsoever violence shall be offered them.

30. Such a submission therefore to Kingly authority may, when just occasion is, be lawfully required by Kings from all their Subjects, yea a profession thereof by oaths. But such an one was not the Oath of Supremacy when it was first contrived and imposed. For there an authority in many gauges, purely spirituall, was by our Princes challenged, as hath been shewed. Therefore if we consider that Oath as now imposed on Subjects infinitely differing from their Princes helpe and Judgment, both in Point of doctrine and discipline, it is not imaginable

How it can be taken in such a sense as was first meant, by any congregations, no not even by that which is of the Kings own Religion.

in what the Oath
consists

31. The Oath consists of two parts; one Affirmative, and the other Negative: The Affirmative clause obliges all the Kings Subjects though never so much differing in their beliefs, to swear an acknowledgment that the King is the only supreme Head and Governor of his Realme, as well in all Spiritual or Ecclesiastical things or causes as Temporal. And the Negative to deny that any forraign Prince, Prelate, &c. hath or ought to have any Jurisdiction, Power, Superiority, Preaminence or Authority Ecclesiastical or Spiritual within this Realme, and to renounce all such.

what is implied
by the recognition of
the Oath.

32. These two Recognitions, if the words be interpreted in their proper Grammatical sense (as all Oathes in reason ought to be, unlesse they be otherwise interpreted by authority) and according to the intention of the first lawgiver declared by his practice, imply (excepting even a personal confering of Orders, and administering sacraments) that all Jurisdiction purely Spiritual is acknowledged to be the Kings right. Now what Christian at this day alive will make these two Recognitions in the sense aforesaid; in Yea what English Protestant will be willing to make even the Negative Recognition? For if there be no Forraign power at all Superior to the King in things or causes purely spiritual, then neither is the Pope a Patriarch of the West (which yet King James will not deny) neither can a lawful and free General Council oblige English Protestants, which

which yet they so often protest to submit to. And as for the Affirmative clause, it is well known they do not admit it, at least in K. H. the eighth his sense; we may add, nor in Q. E. Elizabeths, as their 37 Article will testify, contrary to the rigorous sense of the words of the oath.

33. How much less then can any English Subjects divided both in belief and Ecclesiastical Discipline from the Head and Body of the Church of England, submit to the same Oath? For can the King be acknowledged in all causes spiritual to be a Head of Churches of which he renounces, and is renounced the being so much as a member? Shall he contrive, or order the contriving of Articles of belief respectively suitable to each Congregation, and bind his Subjects severally to subscribe thereto, when himself believes them to be false? Will he require some to be obedient to Bishops as instituted by Christ, and others to renounce them as Anti-christian? Some to use no other Forme of Service but the Common-prayer-book; others not that but the Directory; and others neither of them, but their owne crude imaginations and Non-sense? Will he command some to submit to the Pope as supreme pastour, others Calvin, others Zwingli, or Socinus, or a John of Leyden, or a Kimpener dolling?

34. It is evident that by vertue of this oath unchanged in any words, this Kingdom has at least thrice changed its Religion, and the whole frame of the Church. For in K. Henry the eighths dayes, excepting onely in one point, it was intirely Catholick. In King Edward the VI. his daies it was al-

*in consistency
of Kings oaths
as applicable
to the different sub-
jects.*

most *Lutheran*: and in *Q. Elizabeths* very much *Calvinistical*. And which is strange, excepting *Catholicks*, those that did not change their belief, yet were content to take the same Oath. Which could not be done without framing to themselves different fences and mental evasions, so as though all took the same Oath, yet each severally took a different Oath, with a meaning in all of them contrary to the intention of the Oath-makers.

35. Matters standing thus, what a burden of guilt most we suppose to lye upon these Kingdomes by occasion of an Oath so solemnly imposed on the whole Nation, which if we regard the force of the words, no man can take sincerely? And this guilt is the more aggravated in this respect that there cannot possibly be any real necessity for the imposing of it. For since by an Oath of *Allegiance* and *Obedience*, his Majesty may be secured of his Subjects Loyalty, what necessity or use can there be of such ambiguous acknowledgments of such a Supremacy which the King himself will not acknowledge, and the affirming or denying of which contributes nothing to his safety? He has experienced great disloyalty from a world of those that have most freely taken it, and none at all from those *Catholicks* that have refused it. It is manifest that it was first contrived merely on purpose that King *Henry the eighth* might make a most filthy and execrable use of it. But now at last his Majesty having been pleased to declare a liberty to render consciences, a world of men there are in these Kingdomes that are or ought to be weary of colluding with men, and dis-honouring

nouring God in swearing according to a Forme which they cannot but judge unlawful, though it were for no other reason but because it is ambiguous. And these are not *Roman Catholicks*, for they refuse the Oath: but many of distinct Sects from both Catholick and Protestant belief. And surely that Christian conscience which is not tender in a matter in which the honour of God and the salvation or damnation of souls is so much concerned as in a solemn *National Oath*, or that would voluntarily make advantage for temporal ends of gain to themselves, or malice to others, by such an oath to ensuare the consciences of another, only pretends to be a Christian, but in his heart saies, *There is no Christ, and no God.*

S E C T. VI.

In what sense the Oath of Supremacy is taken by English Protestants.

36. **N**orwithstanding what hath been said, although the oath of Supremacy as it is conceived, and in the rigorous sense of the Words, cannot lawfully be taken by any sect amongst Christians; yet we see it freely taken by persons of quite different persuasions in matters of Religion. Neither will charity permit us to judge, that they do all, or indeed any of them directly against their consciences either take it, or impose it. And some make no doubt at all but that an Oath, though it contain expressions which absolutely considered are false, yet are capable of a good interpretation, and that a commodious interpretation is allowed by supreme authority, such a forme of an Oath

Oath may not unlawfully be sworn to, if o-
ther circumstances impede not.

37. Now what the sensees are in which
respectively the *Protestants* and other divided
Sects do take this oath, cannot assuredly be
determined, otherwise then as they have
expressed themselves in their writings. But
however certain it is that they all of them
take it in a meaning so farr different from that
which *K. Henry* the eighth intended, that if
they had lived in his dayes, and given such
limitations to the kingly power in Ecclesi-
astical matters, as we find openly and plain-
ly discovered in their Writings, they would
have been esteemed as guilty of treason, as
Bishop *Risher* and Sr. *Thomas More* were.
Whence appays that an Oath remaining for
the Forme unchanged, may be taken,
and allowed to be so taken, in various
senses.

38. First for *English Protestants*, I mean
since from toward the latter end of *Queen*
Elizabeth to these dayes, that notwith-
standing any *Spiritual Authority* either by
Statutes confer'd, or assumed by *K. Henry*
the eighth, and *Edward* the sixth, they at-
tribute to the King only a *Civil power* in
matters Ecclesiastical, and that they do this
with the allowance of our Princes, who
questionlesse have authority to interpret
Oathes (such especially as concern their own
safety, and when their interpretations do no
waies enlarge their own power, nor diminish
their subjects rights) may appear by evi-
dent testimonies in all these three last Prin-
ces times, published by the most learned Do-
ctors then living among them.

39. In *Queen Elizabeths* reign we have
the

the Testimony of Doctour Bilson, after- Dr Bilson-
wards Bishop of Winchester, whose expressi- Of Subject-
ons are these; The Oath (saith he) expres- 2. par.
seth not the duty of Princes to God, but ours to p. 218.
them. And as they must be obeyed when they
joyne with the truth, so must they be endured
when they fall into error. Which side soever
they take, either obedience to their Wills, or
submission to their swords, is their due by Gods
Law. And that is all which our oath exacteth.
Again, This is the supreme power of Princes, Id ibid p.
which we soberly teach, and which you [JESU-
ITES] so bitterly detest, That Princes be Gods
Ministers in their own Dominions, bearing the
sword, freely to permit, and publickly to defend
that which God commandeth in Faith and good
manners, and in ecclesiastical discipline to re-
ceive and establish such Rules and Ordens as
the Scriptures or Canons shall decide to be need-
ful and healthful for the Church of God in their
Kingdomes. And as they may lawfully com-
mand that which is good in all things and causes,
be they Temporal, Spiritual or Ecclesiastical:
So may they with just force remove whatsoever
is erroneous, vicious or superstitious within their
lands, and with external losses and corporal
pains represe the broachers and abettours of
Heresies and all impieties. From which sub-
jection unto Princes no man within their Realms,
Monk, Priest, Preacher, nor Prelate is exem-
pied. And without their Realmes no mortal
man hath any power from Christ judicially to ac-
cuse them, much lesse to invade them in open
field, least of all to warrant their Subjects to
rebel against them. Moreover intending to
explain in what sence Spiritual Jurisdiction
seems by the oath to be given to Princes, he
saith first, We make no Prince judge of Faith: Ibid p 173
and in marg.

ibid p.
252

and then more particularly, To devise new Rites and Ceremonies; for the Church is not the Princes vocation; but to receive and allow such as the Scriptures and Canons commend, and such as the Bishaps and pastours of the place shall advise, not infringing the Scriptures or Canons. And so for all other Ecclesiastical things and causes, Princes be neither the devisers nor Directours of them, but the Confirmers and establisshers of that which is good, and displacers and Revengers of that which is evill. Which power we say they have in all things and causes, be they Spiritual, Ecclesiastical, or Temporal. Hereto his adversary is brought in replying, And what for Excommunications and absolutions, be they in the princes power also? To this he answers; The abuse of Excommunication in the priest, and contempt of it in the people, Princes may punish: excommunicate they may not, for so much as the Keys are no part of their charge. Lastly to explain the Negative clause in the Oath, he fayes, In this sense we defend Princes to be supreme, that is not at liberty to do what they list without regard of truth or right: but without superiorit on Earth to repreffe them with violent means, and to take their Kingdomes from them. Thus Doctour Biflon: whose testimony may be interpreted to be the Queens own interpretation of the oath, since as appears by the Title page of his book, what he wrote was perused and approved by publick Authority. And to such a sense of the Oath as this, there is not a Catholick Clergy man in France, Germany, Venico, or Flanders but would readily subscribe.

ibid p.
218

40. In the next place suitable to him Doctour Carleton in King James his time thus states

stated the matter; Bellarmine (saith he) Carleton reasoning of Jurisdiction saith, There is a tri- of Juris-
p. ple Power in the Bishop of Rome; first of Or- diB.c. 1.
der: Secondly of internal jurisdiction; thirdly p. 8, q.
of external jurisdiction: The first is refer'd to
the sacraments; the second to inward Govern-
ment which is in the court of Conscience: the
third to that external Government which is
practised in external Courts: And confesseth
that of the first and second there is no question
between us, but only of the third. Then of
this (saith Carleton) we are agreed that the
question between us and them is only of Juris-
diction coactive in external courts, binding
and compelling by force of Law and other Ex-
ternal Musters and punishments, beside excom-
munication. As for spiritual Jurisdiction of
the Church standing in examination of Contro-
versies of Faith, judging of Heresies, deposing
of Heretics, excommunication of notorious of-
fendours, Ordination of Priests and Deacons,
Institution and Collation of Benefices and spiri-
tual Cures, &c. this we reserve entire to the
Church, which Princes cannot give or take
from the Church. This power hath been pra-
ctised by the Church without co-active jurisdi-
ction, other then of Excommunication. But
when matters handled in the Ecclesiastical
Consistory are not matters of Faith and Religi-
on, but of a Civil nature, which yet are called
Ecclesiastical, as being given by Princes, and
appointed to be within the cognisance of that
Consistory; and when the censures are not spiri-
tual, but carnal, compulsive, coactive, here
appeareth the power of the Civil Magistrate.
This power we yield to the Magistrate; and
here is the question, whether the Magistrate
hath right to this power of Jurisdiction, &c.
This

This then is the thing that we are to prove, That Ecclesiasticall coactive power by force of Law and corporal punishments, by which Christian people are to be governed in externall and contentious Courts, is a power which of right belongeth to Christian Princes. Again afterward he sayes, Concerning the extention of the Churches Jurisdiction, it cannot be denied but that there is a power in the Church, not only internal, but also of external Jurisdiction. Of internal power there is no question made. External Jurisdiction being understood all that is practised in external Courts, or Consistories, is either definitive or Muliative. Authority Definitive in matters of Faith and Religion belongeth to the Church. Multiative power may be understood either as it is with Coaction, or as it is referred to spirituall censures. As it standeth in spirituall censures, it is the right of the Church, and was practised by the Church when the Church was without a Christian Magistrate, and since. But coactive Jurisdiction was never practised by the Church when the Church was without Christian Magistrates: but was always understood to belong to the civill Magistrate, whether he were Christian or Heathen. After this manner doth Doctor Carleton Bishop of Chichester understand the Supremacy of the King acknowledged in the Oath.

41. In the last place Doctor Bramhall Bishop of Derry in our late Kings dayes, and now Archbishop of Armagh, thus declares both the Affirmative and Negative parts of the Oath touching the Kings supream authoirity in matters Ecclesiasticall, and renouncing the Popes Jurisdiction in the same, here in England, in his booke called *Schisme guarded*, &c. The summe of which Book is in the Title-page expressed to consist in shewing
that

Schisme
guarded.

that the great Controversie about Papal power is not a question of Faith, but of interest and profit; not with the Church of Rome, but with the Court of Rome, &c. This learned and judicious writer thus at once states the point in both these respects. My last ground, (sayes he) is, That neither King Henry the eighth, nor any of his Legislators did ever endeavour to deprive the Bishop of Rome of the power of the keyes, or any part thereof; Either the key of order, or the key of Jurisdiction. I mean Jurisdiction purely spirituall, which hath place only in the inner Court of Conscience, and over such persons as submit willingly. Nor did ever challenge or endeavour to assume to themselves either the key of order, or the key of Jurisdiction purely spiritual. All which they deprived the Pope of, all which they assumed to themselves, was the external Regiment of the Church by coactive power, to be exercised by persons capable of the respective Branches of it. This power the Bishops of Rome never had, or could have justly over their Subjects, but under them whose Subjects they were. And therefore when we meet with these words or the like, (That no forraign prelate shall exercise any manner of power, Jurisdiction, &c. Ecclesiastical within this Realm) it is not to be understood of internal or purely spiritual power in the Court of Conscience, or the power of the keyes, (We see the contrary practised every day;) but of external and coactive power in Ecclesiastical causes in Foro contentioso. And that it is, and ought to be so understood, I prove clearly & evinçible in one main Act of Parliament, and an Article of the English Church. [Which Act & Article shall be produced afterward.] The Bishop continues

They

They (that is, the Parliament,) profess their ordinance is meerly Political: What hath a Political Ordinance with power purely spiritual? They seek only to preserve the Kingdom from rapine, &c. And then having produced the Article, he concludes, You see the power is political, the sword is political, all is Political. Our Kings leave the power of the keyes and Jurisdiction purely spiritual to those to whom Christ hath left it. Nothing can be more express then this so clear a testimony of so judicious a Bishop touching the Kings supremacy in matters Ecclesiastical acknowledged by Oath. Only we must be excused if we assent not to what he affirms, touching King Henry the Eighth his not assuming spiritual Jurisdiction.

*Id. ib. pag.
169.*

42. Again the same Bishop thus further adds, Wheresoever our Lawes do deny all spirituall Jurisdiction to the Pope in England, it is in that sence that we call the exterior Court of the Church, the spirituall Court. They do not intend at all to deprive him of the power of the keyes, or of any spiritual power that was bequeathed him by Christ or by his Apostles, when he is able to prove his Legacy. To conclude, omitting a world of other passages to the same effect, he saith, We have not renounced the substance of the Papacy, except the substance of the Papacy do consist in coercitive power.

*Id. ib. p.
219.*

43. Moreover to warrant these explications of three so eminent men of the Protestant Church, who write expressly upon the Subject, may be added testimonies yet more authentick and irrefragable, of our Princes themselves, who are to be esteemed unquestionably authoritative interpreters of their

their own lawes, at least in those cases, where
before was observed; and besides those, the
publick Articles of the English Clergy, yea
the Statutes of Parliaments also.

44. In an *Act of Parliament* made in the *Stat. 5. Eliz.*
fifth year of Queen Elizabeths Reign there is an interpretation of the *Oath of Supremacy* in an express *Proviso*, *That the Oath of Supremacy shall be taken and expounded in such forme as is set forth in an Admonition annexed to the Queens Injunctions published in the first year of her Reign*. The which *Admonition* was made to take away a scruple raised by some, as if the Queen had usurped a *Jurisdiction* purely spiritual, which she renounces: professing first that by virtue of that *Oath*, no other Authority is to be acknowledged then what was challenged and lately used by King Henry the eighth, and King Edward the sixth. This clause is not to be supposed to be any part of the interpretation of the *Oath*: but it is only intended to signify, that this is no new invention or interpretation of a *Title*, but that the same had been allowed to those two Kings before her: and the same Authority (saith she) is and was of ancient time due to the imperial crown of this Realm. Neither doth she say, that she challenges all that those two Kings did, as in effect it is apparent she did not, but that what she requires had been formerly granted to them. And it is evident that if her meaning had been that the *Oath* should be taken according to that enormous latitude of power allowed and exercised by them, such a way of indefinite explication would have been far more burdensome and entangling to conscientees then before: For that would signify, that all that swear should be obliged to in-

Admonit.
of Q. Eliz.
to her in-
junctions.

form themselves in all the clauses of acts of Parliament made by those two Kings, and in all the actions performed by them, or else they will swear they know not what. Her explication therefore is set down clearly and distinctly in the following words, by which she declares what that authority is which she challenges, and which must be acknowledged in taking the Oath, Viz. That

Ibid. in the Queen under God to have the Sovereignty and rule over all manner of persons born within these Realms, Dominions and Countries, of what Estate, either Ecclesiastical or Temporal, soever they be so as no other forraign power shall or ought to have any superiority over them.

45. This clause according to the Queens interpretation confirm'd by act of Parliament, contains the true sence of the Oath, so that if this clause can be sworn to, that is all that is signified in the form of the Oath; say Protestants. Now that by this Clause only civil power over all persons Ecclesiastical is challenged, appears by a wrong interpretation of the Oath which she complains to have been spred abroad; Viz. as

Ibid. if by the words of the said Oath it may be collected that the Kings and Queens of this Realm, possessours of the crown may challenge authority and power of Ministry of Divine offices in the Church; She renounces all meddling with any Offices purely Ecclesiastical in the Church; (as also Doctor Bilson by her authority declares in the forecited words;) she pretends not to administer Sacraments, confer Orders, inflict Ecclesiastical censures, determine controversies of faith, &c. But she challenges a supreme civil Authority over

all

all those that have right to exercise those Offices, as being her Subjects as well as the Laity : And this Jurisdiction she will have acknowledged so to be her peculiar Right, as that no forraign power shall or ought to have any superiority over them, that is, no part of this Regal power, whosoever spiritual Jurisdiction, which she medles not withall, they may challenge. That this is the true sense of this clause appears by that expression [SO AS] which would be void of all sense, if the meaning of it should be conceived to be, That the Queen has the supream Regal authority, so as no other hath a Pastorall authority, no way prejudicial to the Regal; and this sense is evidently confirm'd by the Act 50. Eliz. which gives this title to the Act 10. Eliz. That it is an *Act* by which there is restored to the Crown the Ancient Jurisdiction over the State Ecclesiastical and Spiritual, and an abolishing of all forraign power repugnant to the same; not simply all forraign power, but only that which would diminish her regal power. For how ridiculous would it be to declare a power challenged, and another power renounced that has no repugnancy to it, and renounced with the words *So as?*

Act 5. E.
liz. c. 1.

46. Moreover in the said *Admonition* there are other matters worthy to be well observed: For first by making and with authority publishing that *Admonition* and *injunctions*, she expressly assumes as her right, a power to interpret Oaths and Acts of Parliament: Which if she may do, so doubtless may her Successors. Secondly, besides this she gives power to any one that takes the Oath, in taking it to signifie that he accepts it

Admonit. it with the said meaning; for sayes she, If o **Q.E.** any person that hath conceiv'd any other sence of the Forme of the said Oath, shall accept the same Oath with this interpretation, sence or meaning, her Majestie is well pleased to accept every such in that behalfe as her good and Obedient Subject, and shall acquit them of all manner of penalties contained in the said Act against such as shall peremptorily or obstinately refuse to take the same Oath. Thirdly, that this her interpretation and addition is moreover established by a following **Act of Parliament**, which sayes, That it is to be taken and expounded in this Forme. Lastly, that the Oath it self is by the Queen in her admonition said to be an oath prescrib'd to be required of divers persons for the recognition of their Allegiance to her. Which shew's it concern'd not Belief, but duty only in maintaining her suprem civill Authority.

Artic. 37.

47. Next in King James his daies what was conceiv'd to be the power challenged by our Kings in vertue of that Oath, will easly appear by a notable passage in his Premonition to all Christian Monarchs, in which his **Premōnition** of intention is to convince (as he saith) those **K. James (Roman) Libellers of Wilful malice, who to all Chr. impudently affirm, that the Oath of Allegiance Monarks was devised for deceiving and intrapping of Papists in points of Conscience.**

Now speaking thus, surely he would not it should be believed that his meaning was by continuing to urge the Oath of Supremacy likewise to deceive and intrap his poor Subjects in points of Conscience. From which unworthy intention how averse he was, that is, how far from alluming to himself or even denying

1ag. 9.

denying to the Pope a Jurisdiction purely spiritual, the following words will testify:] The truth is (saith he) that the lower house of *ibid.* parliament at the first framing of that Oath made it to contain that the Pope had no power to excommunicate me; which I caused them to reforme, only making it to conclude, That no excommunication of the Popes can warrant my Subjects to practise against my person or State; denying the deposition of Kings to be in the Popes lawful power: as indeed I take any such Temporal violence to be far without the limits of such a spiritual Censure as excommunication. [And Suarez and Becanus, &c. go further, affirming that by Excommunication not any Temporal right or Power is taken away, or diminished.] So careful was I (saith he) K. James that nothing should be contained in this Oath Premon. except the professiou of natural Allegiance, and *ibid.* Civil and Temporal obedience, with a promise to resist to all contrary uncivil violence. And presently after he adds, That the occasion of *ibid.* the Oath was ordained only for making of a true distinction between Papists of quiet disposition, and in all other things good Subjects, and such other Papists as in their hearts maintained the like violent bloody Maximes that the powder-traitours d'd. Nay moreover touching the *Ibid.* pag. patriarchal Jurisdiction he saith, For my self 46. (if that were the question) I would with all my heart give my consent, that the Bishops of Rome should have the first seat; I being a Western, King would go with the Patriarch of the west. And howfar he was from challenging spiritual Jurisdiction, he shewed by his constitutio committing such affairs to his Clergy, only adding his regall Authority for the execution of their Ordinances: but more publicly and validly by a new confirming and causing

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to be published by his authority the Articles of the English Clergy, among which is the 37th, *We do not give our Kings either the administration of Gods word or Sacraments, which the injunctions published lately by Queen Elizabeth do most evidently declare: But only that prerogative which we see to have been always attributed to all godly Princes by himself in holy Scriptures, that is, To preserve or contain all Estates and orders committed to their trust by God, whether they be Ecclesiastical or civil, in their duties, and restrain contumacious offenders with the civil sword.*

48, This one Article, not only publickly acknowledged by all English Protestants, but a subscription thereto enacted from Ecclesiasticks, and those that take degrees in the Universities, and withall by *Act of Parliament* enjoyned to be read by all Beneficed Ministers within two moneths after their induction, this one Article, I say, so confirmed, may alone suffice to demonstrate evidently and distinctly that it is only a civil Jurisdiction that the Kings of England challenge in Ecclesiasticall matters, and not at all an authority purely spiritual or Pastoral: They are as all other Christian Princes have ever been acknowledged, *custodes utriusque Tabulæ*: They ought to see and provide that all their Subjects do their duty both to God and Man, Wherein that duty consists, which concernes the Divine worship, they are to learn from the Church: and at their peril it is, if they be misdirected by a false Church; but however thus far their just power extends, which must be submitted to either by obeying or suffering. As long there

Of Supremacy and Allegiance.

3

Therefore as this Article is in force in England, there will be no need of searching into the senses or interpretations of following Kings, say Protestants; yet if we should do this, it is well known that our late Sovereign, and his Majesty now raigning, (besides many expressions *viva voce oraculo*,) have been rather more carefull then King James, not to interpose themselves in functions purely spirituall.

49. This Section shall be concluded with setting down a notable *Provizo* extant in that very Statute in which the Popes Jurisdiction was most prejudiced, and the greatest Authority in Ecclesiasticall matters transfer'd upon King Henry the eighth. The which *Provizo* is so cauteiously fram'd, that though King Henry esteemed himself to have gained a Jurisdiction purely spirituall; and accordingly in many particulars protest'd it; to the which several clauses also both in this and following Statutes seem as if they gave warrant; yet the Parliament by the said *Provizo* laid a ground how they might in future and better times shew how they meant no such thing. The words are these, *PROVIDED always that this Act Stat. 25.*
nor any thing or things therein contained shall Hen. 8.
be hereafter interpreted or expounded, that your cap. 21.
grace, your Nobles and Subjects intend by the
same to decline or vary from the Congregation
of Christ's Church in any things concerning the
very Articles of the Catholick Faith of Christendom,
or in any other things declared by holy
Scripture and the word of God, necessary for
your and their Salvation: but only to make an
ordinance by policies necessary and convenient to
repress vice, and for good conservation of this

Realm in peace, unity and tranquillity, from rapine and spoil, infusing much the old ancient custome of this Realm in that behalfe. Not minded to seek for any reliyes, succours or remedies for any worldly things and humane lawes in any case of necessity, but within this Realm, at the bands of your Highness, your Heirs and Successors, Kings of this Realm, which have and ought to have an imperial power and authority in the same, and not oblige in any worldly causes to any other Superior. By this Proviso, never repealed, the Parliamentes Ordinance is declared to be meerly Political, that the Kings Independence on forraign power is in worldly things and humane lawes, he being in worldly causes not oblige to any other Superior.

50. Thus far of the sence in which both the most judicious among the English Protestantes have declared, and have been autorised to declare, what power it is that by the Oath is deferred to the Kings of England, and renounced to be in any forraign Prince or Prelate; to wit, a civil Political power, wheresoever it can be exercised in any causes Ecclesiastical, &c. Against this there is not extant a contradicitory Testimony of any one Protestant Writer: So that the Protestant Subjects of England do intend, and judging that they have unquestionable grounds to judge this only to be the sence of the Oath, in this sence only do they take it, and require it to be taken by others.

SECT. VII.

In what sense the Oathes of Supremacy and Allegiance seem to be taken by Presbyterians, Independents, &c.

51. IT is a wonderfull Mystery how it should come to pass that our English Presbyterians, &c. should (especially now of late) with so much willingness and greediness themselves swallow these Oathes, and so clamorously, not without threatening, urge the imposing them upon others. Is it because the Oath of Supremacy has so peculiar a conformity to their principles, and that of Allegiance to their practises ? or that they are so ready, and pressing to disclaim and condemn all that themselves have done these last twenty years ?

52. First for their *Doctrinal principles*, I do not find that any of those Sects of late in *England* in peaceable times have publickly declared in what sense they allowed his Majesty to have a supreme Jurisdiction in causes Ecclesiastical or Spiritual, *as to themselves* : But as to the oppression and destruction of poor *Roman Catholicks*, they have always shew'd too great a willingness to exalt the Kings Authority, and to draw out and sharpen his sword, far more then himself was willing. I do not find that any of them have busied themselves, as a world of *Protestants* and *Catholicks* have, with making discourses upon the *Oathes*. Their silence in this point wherein they are doubtless much concern'd one way or other, is surely very argumentative.

53. Who ever knew or heard to flow from

from the tongue, or drop from the pen of a Presbyterian, so Christian a position as is sincerely avouched both by English Protestants and the generall body of Roman Catholicks, viz. That even in case a Christian or Heathen Prince should make use of his civil power to persecute truth, that power ought not upon any pretences to be actively resisted by violence or force of arms: but though they cannot approve, they must at least patiently suffer the effects of his misused Authority, leaving the judgment to God only. How unknown, at least how unreceived such a Doctrine has hitherto been among their Brethren abroad, will but too manifestly appear in a volume entitled, *Dangerous positions*, collected by *Archbishop Bancroft* out of severall books written by Calvinistical preachers. What judgment their patriarch

Confes. des Eglises de France. 9. ult. *Calvin* made of King *Henry the eighths* new *Title of the Head of the Church*, we have seen before. And what an exception, terrible to Princes, the French Calvinistical Church hath made in their confession of Faith, speaking of Obedience due to the supreme Magistrate, appears at least every Sunday in all their hands in print: Where they acknowledge such obedience due to them, except the Law of God and religion be interested, or to use their own expression, *mogenant que l'empire de Dieu, demeure en son entier*, that is, upon condition that Gods Sovereignty remain undiminished. Which clause what it means, their so many, and so long convinced Rebellions do expound.

54. And as for their practices in England and Scotland, it were to be wished they could

could be forgotten, especially all that has hapned the last twenty years: And it may suffice only in gross to take notice, that the most efficacious Engin for begining the late war and engaging their party in the prosecution of it was a publick declaration, that their design was to root out Popish Doctrines, favoured by the King and Bishops, to abolish publick Formes of Church-service, and to destroy Episcopacy and Church Government, root and branch, which had been established in England by the universal authority of the whole Kingdom.

55. These things considered, is it not a great *Mystery* that such persons of such persuasions should be so zealous to take and impose generally either of these Oaths? To think that they do knowingly, directly and formally forswear themselves, and force others to do so, would be uncharitable. Therefore an *Evasion* they have to secure themselves in their own opinions from perjury. How little they deserr to Kings in their own Ecclesiastical matters and Government, yea how they declare that none must be excepted from their consistories and Synodical Jurisdictions even externally coercive, is evident both in *Scoland* and elsewhere. And it is observable that in the form of an *Oath* lately contrived in *Scoland*, the word Ecclesiastical is studiously left out. How comes it then to pass that they can in *England* swear that the King is supreme Head and Gouvernour in all causes Ecclesiastical or spirituall? Who can reconcile these things together in such a sence?

56. Surely it will be extremely difficult

if not impossible to imagine any colourable Evasion or pretext for couesning themselves, except it be this, That both the Oaths were made only against *Roman Catholicks* acknowledging the Pope to be supreme pastour of Gods Church, so that whosoever can swear that he is no Papist, may freely and without scruple take those Oaths, as being nothing at all concerned in them: Whatever he does, he cannot be a traytor by vertue of the Oath, because he was not a powder-traytor.

57. If the secret of the affair do indeed lye on such an interpretation as this, then it will follow that none of the Kings Subjects are, or can by any oath as yet in force be obliged not to be traytors, but only such *Roman Catholicks* as take the *Oath of Allegiance*. A hard case for his *Majesty*.

58. This Evasion may perhaps serve for the Negative clause of the *Oath of Supremacy*, wherein profession is made, That the Pope has no Jurisdiction in this Kingdom: But how will they defend themselves from the most principal Affirmative clause, That the King alone is supreme Goverour in all causes Ecclesiastical? Till they express themselves in this point, no other expedient, I suppose, can be found, but by denying that there are two distinct clauses in the oath, and consequently by saying that the whole Oath is but one simple assertion, viz: That the King is so far to be esteemeed the supreme Goverour as that the Pope is not above him: But yet in consistory of Presbyters though his Subjects, yea any single Minister in causes touching Religion and Church Government may be his superior: Now if this guess hit right, upon

on the like grounds the Oath of Allegiance will be interpreted too, as if they that take it should say thus, *We promise Fidelity to his Majesty so sincerely, that notwithstanding any Excommunication or sentence of deprivation issuing from the Pope against him, we will not seek to depose or murther him.* But if our teachers, or we our selves do interpret the word of God against any of his actions, or if we find in scripture that he loves not the pure reformed Religion, and shewes his distike by any publick action, then he must look to himself: For these Oaths do not extend to such cases, no nor so much as to binder us from defending our purses with our swords against any illegall exactions. We are sure we are not Papists; that we readily swear, and that is enough.

59. Norwithstanding if they look well upon the Oath, they will find the word *Only* too stubbern to comply with this fence, where they profess the King to be the only supreme Goverour: Unless they will concive the meaning to be, That he is *only* Supreme Goverour in regard of the Pope with whom he will have nothing to do, and who therefore is neither under him, nor above him, and in regard of no body of the world besides, not the most pitifull Tub-Man. This indeed would be an evasion, the invention whereof is beyond the art of equivocation.

60. It is not here pretended, that by this evasion and no other, *Presbyterians* have the art to sweeten Oaths, which in the ordinary fence and understanding of all the rest of the Kingdom are point blank opposed, at least to their Brethrens Doctrines and their

own practises : So that the Author of these *Reflections* must leave a more perfect discovery of their mysterious wayes to the eyes of the State infinitely more clear-sighted and penetrating.

61. As for the *Independents*, all that to me is known of them since they lately shew'd their faces to the destruction both of Church and State, is their *new name* : What they think of the Oaths, does not to me appear. But the very name implying a renouncing of all order and subordination in Church-Government even among themselves : and their known practice having been an usurpation of supreme authority to themselves, purchased with the most execrable *murder* of their undoubted and too too mercifull Sovereign : if they can be so hypocritical as to take either of these Oaths, they will deceive no body : For it will be evident to all men, that not changing their tenents and courses, they must needs be perjured ; so that to some it may be a doubt whether it be a lawfull or however an expedient mean for the Kings safety to offer them the Oathes, or to relye upon their taking them.

62. All that for the present will be collected from the words or practises of these *two Sects*, is, That at least they do acknowledge so far a concurrence with the sense of *Protestants* touching these Oathes, that they do assure themselves that by them there is no *Jurisdiction* purely Ecclesiastical, attributed or due to his *Majesty* : How far, or whether at all they will permit his civil power to act in matters Ecclesiastical, till they discover their minds, (if they be not too much dis-

Of Supremacy and Allegiance.

discovered already) who can tell ?

62. Besides these other Scots there are in abundance, which the common voice tyes together as *Samson* did his Foxes, tail to tail, their faces all looking several wayes: however they are called usually *Fanaticks*. Of these some profess Obedience, others profess against it, but not any of them will swear either the one, or the other. Their sense therefore of these Oaths is neither to be expected, nor if it were had, is it to be valued.

S E C T . V I I I .

Upon what grounds Roman-Catholicks do generally refuse to take the Oath of Supremacy.

64. **I**T may very well, and indeed does to Protestants seem a mystery almost as hard to be penetrated into, as was that in the last Section, why Roman-Catholicks should so generally refuse to take the Oath of Supremacy, considering that the whole Kingdom besides, does unanimously agree at least in this point, That the Supremacy ascribed therein to his Majesty does not at all prejudice the spirituall Jurisdiction of Pastours, with which the King does not meddle, neither indeed does it concern him; for it is nothing to the King whether one of his Subjects be for his faults excommunicated, or admitted to the communion; Whether he be an Ecclesiastical person, or a Lay-Man; as likewise whether his Excommunication or Ordination proceed from one beyond Seas, or at home; and the like is to be said of his Orders. Now since Catholick Faith teaches that

that secular power which belongs to Cesar, should be given to Cesar; and meer spiritual Authority over consciences, and upon spirituall penalties only, should be given to the supreme and subordinate Pastours, Protestants wonder why Catholicks so perswaded should refuse to swear that which they profess: Especially since by such a refusal they deprive themselves of a comfortable exercise of their Religion, and withall expose themselves to many and grievous penalties. They profess Loyalty to the King, and dare not swear it. And they hopefully perswade themselves, that if they did swear it, he would believe them, which is a grace that he will not afford to all: but by not swearing it when they are required by lawfull authority, they put themselves in an incapacity to make their Loyalty usefull to his Majesty, & give perhaps scandal to many out of the Church, as if indeed there were some unknown principle of disloyalty in their Religion, which forbids them to confirm by Oath that which they without oath willingly and almost unanimously profess. This is a mystery that Protestants wonder at.

R. 65. If Catholicks answer, that they are ready to swear that which Protestants so confidently affirm to be the sense of the Oath, but the Oath it self according to the present form they dare not take, because they find such a sense very unsuitable to the expressions in the Oath: The others will reply, That Catholicks take too much upon themselves, to give a sense to an Oath, contrary to what is declared by publick and supreme Authority: That Protestants themselves

Ob.

selves would make a scruple perhaps at it, were it not that the fence in which they declare their taking of it so seems to them warranted by supreme authority, as no man can imagine, almost a more Authentick testimony: For that by the Oath our Princes would have no other then civil Regal authority in Ecclesiastical matters attributed to them; and that as they themselves pretend not to a Jurisdiction purely spiritual, so neither do they envy or deny it to any of those whom our Lord has constituted Pastours of souls in his Church: All this is attested by all particuliar Writers, *ne-mine contradicente*, by the voluntary assertions of our Princes, the undoubted authoritative interpreters of their own Lawes, who publickly approved such Writers, and also shew'd this by their Actions, or rather their Omissions to exercise spiritual power. Further the same is attested by a publick Article or confession of Faith of the whole body of the English Clergy confirmed, and made an Ecclesiastical Law by Regal and Parliamentary authority: And Lastly by Acts of Parliament remaining in full force, so that in the opinion of Protestants it is almost impossible to find stronger assurances of any truth, then are the proofs that this is acknowledged to be the true fence of the Oath. Thus say Protestants.

66. Notwithstanding in the judgment of *Ob.* Catholicks, the Negative clause in the oath, [viz. *No forraign Prince, Prelate, &c. hath or ought to have any Jurisdiction, power or authority Ecclesiastical or spiritual within this Realm*] seems incapable of that fence, and directly contrary to a point of their Faith,

viz. that the Pope is supreme pastor of the whole Church in matters purely Ecclesiastical or spiritual. That clause has so horrible an aspect, it implies a renouncing even the Popes pastoral Authority, and this with so much Emphasis, that least the word [ECCLESIASTICAL] might possibly import a Civil authority in Ecclesiastical Courts, there is added also [SPIRITUAL :] that therefore a Catholicks tongue cannot repeat it, much less swear to an acknowledgment of it.

Sol. 67. But this excuse does not satisfie such Protestants as out of compassion to the fellow-sufferings of Roman Catholicks, are desirous that their Fidelity may be usefull to *Ob.* their Sovereign and Country. For they reply, that though the said clause might perhaps deserve to be ill looked on by strangers, yet not so by Englishmen: Since the word [SPIRITUAL] has not the same Notion elsewhere, that it has in England. The Oath is to be administred not only to scholars, but to all Lay-persons in Office, to Soldiers in ships, &c. Now in England the word [ECCLESIASTICAL] is not commonly understood by ignorant persons, and therefore for explanation of it there is added [OR SPIRITUAL,] which term whensoever it is applied to Jurisdiction, signifies in England no more then such Jurisdiction as is exercised *In foro contentioso*, and Ecclesiastical Courts, which we call the Spiritual Courts, and Spiritual Judges, and Spiritual Authority, as my Lord of Derry well observes: for as for that purely spiritual Jurisdiction that a Bishop exercises in censures, or a Confessarius over his penitent in the internal Court of conscience, English

Schism
guarded.

Men

Men ordinarily know little or nothing of it. And therefore if that clause were to be translated into Italian, French or Latin, the word [SPIRITUAL] ought not to be turn'd *Spiritualem*, but some other term must be invented, which should import this sence, and no more.

68. Again, though the clause sayes that the Pope has not any authority, no not so much as Ecclesiastical or *Spiritual*: it hath as they think, already been shewed that that phrase implies only that he hath not any such Regal or Civil authority by his own right and Divine Law, as the King challenges in matters Ecclesiastical, as the approved explication by the words [SO AS] in Queen Elizabeths Admonition demonstrates. Neither is it unusual among Writers, when they speak of a present matter, and would deny any thing concerning it, to deny it in indefinite terms. So when our Saviour sayes to the Scribes, *If ye were blind, ye should have no sin*; or, *ye should not have any sin*, his meaning is not, That if they had not had sufficient light whereby they might perceive him to be the Messias, they would not have been proud, malicious, adulterers, &c. but only this, That the sin of infidelity should not have been imputed to them, which before he had charged them with all.

69. Therefore although that clause look so hideously in the eyes of Roman Catholicks, that if it stood alone, and were considered absolutely and simply by it self, they could not without renouncing a point of acknowledged Catholick Faith subscribe to it: Notwithstanding if it be considered with

dependence on the foregoing words of the Oath, it speaks a quite other language then otherwise it would in their opinion.

70. To give some examples of the like case. If it were proposed to an Orthodox Christian whether he would subscribe to these Assertions, *The Father is greater then the Son, and, There is no evill, but God is the Author of it*; He would doubtless refuse to subscribe to the former, as being Heretical, and to the later, as being moreover blasphemous. Notwithstanding having been informed that our Saviour speaking of himself as a man, said, *My Father is greater then I am*, and that the meaning is, That the Father is greater then the Son, if the Son be considered according to his humane nature: And again that God has by his prophet speaking of Afflictions, said expressly, *Is there any evill in a City, of which I am not the Author?* and that the word [EVILL] in that speech doth not significie sin, which it does, when it is mentioned absolutely and simply; but only punishment; then a good Catholick will make no difficulty in subscribing to both those sayings. Now the very same, say they, may be laid touching this clause as it lies in the Oath, especially having been sufficiently declared that it is only a civil temporal Jurisdiction in Ecclesiastical Courts, &c. which is denied to belong to any other by right, except only the King.

71. But in all events, they conceive that among all Roman Catholicks those might soonest be perswaded to admit a favourable interpretation of this oath, who maintain the doctrine of *Equivocation*, which is not expressly

expressly excluded by this Oath, as it is by that of Allegiance. Though how can *Equivocation* be excluded; when according to them one *Equivocation* may be renounced by another? A most horrid example whereof *England* has lately seen in the R. *Padre Antonio Vais.*

72. Neither do Protestants think that a Declaration formerly made by the Pope, and forbidding Catholicks to take those Oaths with any Interpretation whatsoever, needs to be a hindrance to the taking of it in the forementioned sense so publickly avouched, but onely in any secret meanings invented, or mentally reserved by particular persons. For surely the Pope intends not to take a power from Law-givers to interpret their own lawes, nor to forbid their Subjects to admit their interpretations, if they be agreeable to truth, and that the words be capable of being so interpreted, as these are pretended to be. Certain it is that the Pope was never informed of this so legal an interpretation: For if he had, he would never have forbidden that to distressed English Catholicks, which to his knowledg all good Subjects in *France*, *Germany*, *Venice*, &c. neither will nor dare refuse to acknowledge and profess. Besides, (say they) is *England* now become the only Kingdom in Christendom where all manner of Briefs must be immediately submitted to without a publick Legal acceptation, and without examination of the Motives, or suggestions by which they w^ere procured? It is far otherwise now in the most Catholick Countries, and was formerly even in *England*, when it was most Catholick: the Lawes then made

Ob.

against receiving or executing Bulls from Rome without a publick admission under the penalty of incurring a *Præmunire*, are still in force.

Ob. 73. If Catholicks rejoyning, say that there is another regard for which they are unwilling even to receive information touching any qualifications of these Oaths, viz. because the mere admitting a probability that they may lawfully and without prejudice to Catholick Faith be taken, would argue that so many vertuous, wise and holy Men as have suffered death, &c. for refusing them, have suffered without any necessary cause: Such were *Bishop Fisher*, *Sir Thomas More*, &c. in King *Henry the eighth* dayes, and many good Priests since.

Sol. 74. Norwithstanding, say Protestants, such a consequence is not necessary: For first, it hath been shewed that *King Henry the eighth* intended to exclude the purely spiritual *Jurisdiction* of the Pope, his power of determining matters of Faith according to former *Lawes of the Church*, &c. And therefore no wonder that good Catholicks then would not betray their consciences. But it is well known that *Sir Thomas More* advised the King to limit some excesses of the Popes Jurisdiction. And an eminent writer, tells us that *Bishop Fisher* offered to take the Oath, if it might have been permitted him to explicate his sense of it, which could be no other then this, that he should deny the Popes temporal Jurisdiction. Secondly as for those that suffered in Q. *Elizabeths* time, it is certain that all good Catholicks would never have esteemed it a Martyrdom to dye for refusing to the King a supreme kingly power,

K. James
defence
of the
Oath.

Power, and attributing that to the pope. They had therefore a quite different notion of what the state of *England* required by this Oath. But of late good occasion has been given for a more exact examination of it. For to make a sincere and ingenuous confession, it was a Committee of the late rebellious parliament, that probably first of all discovered what use they made of the foresaid proviso in the *Act 5. Eliz.* to warrant them to take this Oath without submitting their Religion to the King. And the same use they judged that all other Sects might make of the same, and justify their so doing by *law*, even Roman Catholicks themselves.

75. All these things considered, it is no wonder that English protestants not being fully informed of the state of Catholicks, should wonder at Roman Catholicks for their so Universal agreement in refusing an Oath so interpreted, without the least prejudice to their faith, but with so unexpressible prejudice both to their estates and exercise of their Religion.

76. *The Author of these Reflections* does freely acknowledge that he has been inquisitive with more then ordinary diligence into the grounds upon which Protestants do make no scruple at all to take an oath, which if it had no Expounders to qualify the sense properly imported by the words, he knows they could not take it with a good conscience. Nay moreover he has given all the advantage that he could to the protestes produced by them to justify that no other sense ought to be given thereto by any English Subject, in so much as he may apprehend that he shall incur a danger to be esteemed by Catholicks

licks to have a design to enourage them also to take it, since that sence is such as is very convenient to the principles of Catholick Religion.

77. But he protests the contrary. His end in writing all this is (besides a satisfaction given to his mind, that he cannot now without breach of Charity charge Protestants with such an unsincerity in their taking this Oath, as Presbyterians &c. are apparently guilty of) to afford unto the World an illustrious proof of the most perfect sincerity, and the greatest tenderneſſe of conscience expressed on this occasion by the generality of English Catholicks, that I believe ever was given by any Church ſince Chrifl's time.

78. They live here in their own native Country with leſſe priviledg then strangers, they are excluded from having any influence on any thing that concerns the Commonweale of which they are freeborn Subjects; When laws are made againſt them as guilty persons, they are not permitted to ſeparate their cause from a few that only deserved the penalties of thoſe lawes; they are by lawes obnoxious to greater ſufferings then enemies; they ſee their families impo- veriſhed, their houses invaded by Savage officers, their lives forfeited as Traytors, for entertaining thoſe without whom they could not live otherwife then as Pagans, deprived of performing any ſervice and worship to God, &c. All these miseries they groan under without prooſe of any demerit on their parts; the crimes of a few miſerable ſeduced and ſeducing wretches, and their bloody Doctrine, by none in the Kingdom more

more deterred then by themselves, are made their guilt. And these calamities they could avoid by taking an oath, the present new acknowledged fence whereof (as to his Majesties right) is just and lawful. And yet they dare not take it. Why? Because they fear God above all. But do not Protestants fear him too? They are no judges of the consciences of others. This they assure themselves of, that if those that now take the Oath, had been to have framed it, they would have shewed a greater proof of their fear of God, then to have expressed the Kings Supremacy in termes fit for none but K. Hen. the VIII.

79. But moreover great difference there is between the case of Protestants and Roman Catholicks in regard of this Oath. For Protestants know that the first invention of this Oath was to explore the consciences of Catholicks, and to tempt them to Schisme, by renouncing the Spiritual Authority of the head of Gods Church, which under perill of damnation they cannot do. They would not perhaps find so great difficulty, *without swearing*, only to say, *That the King alone is the supreme Gouvernour in all matters Ecclesiastical within his Dominions, &c.* when they are obliged to say this to persons that acknowledge with them such power to be only Civill: But *an Oath* to Catholicks is a thing so dreadful, that they dare not call God to witnessse that they sincerely swear an acknowledgement that the Pope has not, nor ought to have any Superiority Ecclesiastical or Spiritual, unlesse it might be permitted them at the same time, & in the same breath to signify that this is intended of Civil, King-
ly

ly Authority in Ecclesiastical causes. They tremble to swear in a phrase at the best ambiguous, or rather not ambiguous, but formally contradictory to Catholick Doctrine: for all the words that they pronounce, and of their acknowledgment whereof they make God a witnesse, are such as they are perswaded to be manifestly erroneous. Now God is called a witnesse to what men say in an oath, not to what they think, unless they think as they say.

80. But moreover there is another consideration that is more than sufficient to make the taking of this oath inconsistent with Catholick Religion: and that is, the difference that King James, Bishop Andrews, &c. put between the two oaths of Supremacy and Allegianee, in regard of their End and in Defence oftention. For sayes King James, *The Oath the Oath. of Allegiance was not framed against Roman Catholicks in general, but only to make a separation between Catholicks of a peaceable disposition & in all other things good Subjects, and such Roman Catholicks as maintained the Rebellious Maxims of the Powder-traitours.* But as for the Oath of Supremacy; the intention of the continuation of it, was to the end to discover who were Roman Catholicks, and who Protestants. So that whosoever takes that Oath, is presumed by King James &c. to declare that he is no Catholick; Bishop Andrews has the like expression: but withall he discovers theuselessness of that oath. For (saies he) what needs any oath at all to detect who are Roman Catholicks? For they refuse to be present at the Protestants Church service, they will not come to our Sermons, they dare not receive the Eucharist with us, &c. So that without

Tort. tort.
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out any oath you may easily know who are Roman Catholicks.

81. Lastly the principal proof by which Protestants demonstrate that by the Oathes no other Authority or Supremacy is given to our Princes, but civil only (which is the 37 Article of the English Church) though it be sufficient to clear the Affirmative part of the oath, yet not so for the Negative, concerning the Popes spiritual Jurisdiction. Yea in the same place it is expressly excluded : For the words following in the same Article do apparently give and require a very uncatholick sense of that Negative Clause; for there is expressly affirmed, *The Bishop of Rome hath not any Jurisdiction in this Kingdom.* Now since both King James, Bishop Andrews, and the thirty seventh Article, even in the very same places where they speak of *Kingly* and *papal power* do as to the former rightly state the *Kingly*, and leave the *Papal (Spiritual) power* indefinitely excluded, their intention appears to have been to declare against, and require an abjuration of a Catholick point of faith.

82. Upon these grounds Catholicks dare not but refuse to take the Oath of Supremacy. Perhaps by the new *unlawful art of Casuistry* some of them might think they could find evasions : but generally such is the renderneſſe of their conſcience that they dare not think it lawfull to make advantage of Casuistry in a Solemn Oath. Very likely Protestants will call them nicely scrupulous, foulish or improvident for this their renderneſſe of conſcience. But ſure they will not ſuspect them diſloyal, who attribute as much Authority to the King as themſelves do : and if it

it were permitted them to confirm this by a clear Oath, in their own language, they would not yield to them in the fullnesse of the expression. If hereafter they are resolved not to grant them any ease from their pressures, if a harmless scrupulosity in Catholicks shall bear those penalties which direct rebellion in others escapes, If to satisfy the passion of not very good Subjects, those that are truly loyal shall be treated as Rebells, and their religion only punished indeed; however that will not be acknowledg'd by those that punish it, all that remains for Catholicks to say, is, *Dominus judicabit fines terra.*

S E C T. IX.

Upon what grounds some Catholicks make scruple to take the Oath of Allegiance.

83. **N**ext followes the Oath of Allegiance, framed by K. James upon the greatest provocation, and an assentat the most execrable, the most abhorred by the whole body of Catholicks, both at home and abroad, and the most scandalous to Christian Religion that ever was. This oath affords also matter of wonder to Protestants, Why Catholicks who acknowledge the Kings supreme civil authority, should make any scruple to take it, since it was never meant against such,

84. But they may impute only to themselves the cause of such a refusal: for by some incommodious phrases unnecessarily thrust into it they have frightened many from taking

taking it : and as if they had conspired with that one *too well known party* which alone gave occasion for the framing it, they have given them advantage for those unnecessary phrases sake to fix upon all the Refusers a scandalous however unjust imputation as if they approved these abominable principles, from which flowed that more abominable *Attentat*, which deservedly wrung extreme severity from a Prince the most clement that ever this Nation formerly had enjoyed.

85. In the following Reflexions therefore upon this Oath, justice requires that we should divide between the innocent and the guilty, between those that (not in this Kingdom only) have made that *Principle of Disloyalty* their *distinctive Charter* ; and those that are ready to renounce that *Principle*, if they might be allowed to renounce it by any other, though more Emphatical expressions.

86. As touching the former unhappy party, it is observable that at the first publishing of the Oath, there were in every line and almost particle of it pointed out by them a several *Heresie* : All which Heresies are now at last vanished, excepting only one, which is that by which there is enjoyned (a renouncing of that so bruited *Article of Faith* touching the Popes power of depising Princes not for *Heresie* only but almost any other fault that shall be esteemed sufficient to deserve it.

87. This pretended *Article of Faith* is by such new *De-fide-men* grounded either upon the Actions of certain Popes since Pope *Gregory the seventh*, which both for their own sakes and ours it is to be wished had never been

been done, or might be blotted out of all men's memories; or upon the Decrees of some Councils not received or acknowledged by Catholick Churches; but principally upon a Decree of the Council of Lateran under Pope Innocent the third, in which an Ordinance is said to have been framed to oblige (not supreme Princes but) Temporales Potestates and Dominos, which bear Offices in States to take at Oath to root out of their Dominions all Hereticks, upon penalty (if they do not performe what they swear) of being denounced by the pope to be deprived of their Estates, &c. yet reserving the right of the supreme Lord.

88. All these Allegations have been already unanswerably confuted by several learned Writers of our Nation: but because this last Decree of a Council not so questioned, for as much as can be proved to have been decided in it, and because it is almost alone suggested to the tongues of some Catholicks among us, as the principal pillar of that pretended Article of Faith, for the maintaining of which they are exhorted to forfeit their Estates and Lives, they are desired sadly to consider,

89. First, that this pretended decree of faith has been disclaimed by a World of unquestion'd Catholicks; and Doctor Bishop the last Catholick Bishop but one in England, has written a book purposely against it; and no proof can be given, that it was ever received or executed by any Catholick Kingdome out of Italy: The reasons whereof are, 1. Because these Decrees were never published by P. Innocent, nor so much as a copy of them extant either in the Body of Councils, or the Vatican

Vaticana Library, or any where else, till a certain German three hundred years after, said that he found them in a *Manuscript*, compiled he knowes not by whom, being indeed a meer *Collection* made by some unknown person out of the *Decretals* of his Nephew Gregory the ninth. 2. Because by the testimony of all *Historians* of those times, P. Innocent the third suffered much in M. Paris, his reputation for having convoked such a Naucle-mass of Prelates to no purpose. Above ^{1215.} A.D. ^{Godf. Mo-} sixty *Capitula* were by the Popes order recited in the Assembly, and many of them pend in a file as if they had been concluded (for that ^{nachus.} was the Popes expectation) but nothing at all ^{Platinian} could be plainly decreed: they seemed indeed to some. [*PLACABILIA*] passable, to others *Onerosa*, but no conciliatory Determinations were made except one or two, (which was about the recovery of the holy Land, and the subjection of the Greek Church to the Roman) by reason of a war then begun between them of Pisa and Genua, which called the Pope from the Council.

2. 90. Again, though it were granted that this was a *Conciliary Decree*, it is far from looking like an *Article of Faith*, which (saith Bel. I. 2. de R. Bellarmine and Canus) may easily be discerned Pont. cap. by the file; Here is nothing proposed to be believed; no *Anathema* fulminated against those ^{12.} Canus. I. that are of a contrary sentiment; no significant ^{5. q. 4.} sense of *Scriptures*. &c. At the best therefore it is a mere Ecclesiastical Ordinance touching external discipline. And being such, what is more ordinary, and by custom permitted, then for Princes to refuse the admittance of them? we see at this day that the State

State and Church of France do reject the Decrees of Reformation made in the Council of Trent. This is known at Rome and all Christendom over; and yet who dare impute Heresy to them? What confusion would follow, if all the Ordinances of the Council of Trent should be practised among catholicks here in England, as about *Clandestine Marriages, &c.*

91. Thirdly suppose this were granted to be an *Ordinance* established, and admitted all Christendom over, yet supreme, and *Independent* Princes not being expressly named in it, but rather excluded by the expressions of it, what can be more palpably unjust, then without, and against their consent, to captivate them to such an ordinance? Moreover to demonstrate that they were purposely excepted, the *Emperour Frederike* not above five or six years after, published an edict to the very same intent, and in the very same language and titles, by which he intended to oblige only the *Feudatory princes and officers of the Empire* by oath to root out heresy: And yet after all, no example can be produced either in the Empire, or other Christian States that such an oath was in succeeding times imposed. This is the *Article of Faith*, for the maintaining of which it is by one party expected that all English Catholicks should ruine both themselves and their Religion. It is not so in Catholick countries abroad: We know that *Charles the fifth* by a law of the Empire publickly permitted *Lutherans* in several provinces, and all the Kings of France since *Henry the third*, the *Calvinists* through their Kingdom, and yet the pope never so much as threatened, nor they feared a *Deposition*.

92. It

93. And as for the Doctrinal point of faith most shamelessly pretended to be involved in that or the like decrees, to wit, the Popes power of deposing Princes, what one Catholick State, Kingdom, Republick or City can the preachers of it name where it is received, or permitted to the people to be taught, even as a probable opinion?

94. It is well known that in France, in the year 1614. a book written by Suarez the Jesuite, purposely against this Oath, in which that Depositing power was asserted, was by a Decree of the Parliament of Paris condemned therefore to be burnt by the publick Executioner, as containing propositions scandalous, seditious, tending to the eversion of States, and inducing Subjects to practise against the lives and sacred persons of Kings, &c. And moreover it was ordained, according to a former Edict made A. D. 1610. that a decree then made by the Theological faculty for renewing a Doctrinal Censure of the same faculty, A. D. 1408. against the like Doctrine, and confirm'd by the Council of Constance, should every year upon a certain day be read in the Schools of the Jesuites, and of the four Mendicant orders. Besides all this, the same Parliament enjoyned the four principal Jesuites in Paris, Armandus, Cotton, Fronte and Sirmond to take order that their General at Rome should renew a prohibition to any of the society to teach and publish the like Doctrines, and themselves were commanded in their Sermons to preach a contrary Doctrine: all this under the penalty of being proceeded against as Traitors.

95. The like fate had several other books written by eminent persons of the same Order,

der, as *Mariana*, *Bellarmino*, *Santarellus*, &c. which maintained the Popes temporal *Jurisdiction* and power to deprive *Princes*, and to absolve *Subjects* from their *Obedience*. And particularly upon occasion of *Santarellus* his book, no less then eight Universities in that Kingdom, *Paris*, *Valentia*, *Tholouse*, *Poitiers*, *Bourdeaux*, *Bourges*, *Rheims* and *Caen* did of their own accord, not expecting any command from the Court, in the year 1626. brand the *Doctrine* of the Popes depositing power with the *Titles* of *impious*, *seditionous*, *infamous* to *Popes*, *ruinous* to *States*, &c.

96. Yea moreover within these six Moneths a certain Priest of the Hermitage of *Caen*, called *Fossart*, a known Emissary of that society, having in his publick acts for a degree in that University advanced this proposition, *That the Pope has a Sovereign Authority in Temporals as well as Spirituals*, and that he has power to depose and confisiate Kings; though to evade a censure, he Interpreted his Assertion, saying that he understood that power of the Pope to extend only to *Tyrants*: notwithstanding by a Decree of the whole faculty of that University, both his proposition and exposition of it was censured to be *impious*, *pernicious*, *seditionous*, and in all regards to be detested, and as such it was by them condemned. And the same *Fossart* being after this imprisoned, was sentenced by the presidial Court of Justice in *Caen* publickly and bare-headed to acknowledge that the said propositions were false, contrary to the holy Decrees of Councils, to the fundamental laws of that Kingdom, and to the liberties and rights of the Gallican Church.

97. Such

97. Such is the judgment of the Ecclesiasticks and State of France of this Article of Faith, from which has issued rivers of blood during the *Ligue* there. As zealous against the Temporall power of Popes, has the State of *Venice* shewed it self: And if other Catholick Kingdomes have not done the like, it is because they have not had such dismal occasions and provocations to declare their minds. In *Spain* indeed the Schools are connived at, to preserve it from extinguishing, because by its assistance a great part of *Navarre* has been annexed to that crown, and some hopes of *England* too gave it credit there. But yet when the *Court of Rome* would interpose in temporal matters there without the Kings liking, he is as boldly resisted as in any other Catholick Kingdome besides.

98. And as for the *Church and State of England*, I mean even in former times when Catholick Religion most flourished here, and when Church-Men had the greatest power, what sign can be shewed that the foresaid Decree and the new article of Faith was admitted either in *Parliaments* or *Synods*? Yea so far were they from acknowledging the Popes deposing power, or Supremacy in Temporals, that Statutes were then made, and the penalty no less then a *Præmunire* against any that without the Kings licence should make any Appeals to Rome: Or submit to a Legats Jurisdiction; Or upon the Popes Summons go out of the Kingdom; or receive any Mandats or Briefs from Rome; Or sue in a forraign Stat. 25. Realm for any thing, for which the Kings Courts Edw. 3. took Cognisance; Or for impeaching a judgment given in the Kings Courts; Or for purchasing Stat. 16. Bulls Rich. 2.

Bulls from Rome for presentments to Churches aniently sued for in the Kings Courts, in the time of all his Progenitors. And it is very observable that in the Act, where the last Ordinances were made, we find this expression,

Ibid. *To this all the Bishos present, and all the procuratours of the absent unanimously assented, protesting against the Popes translating some Bishos out of the Realm, and from one Bishoprick to another.* And moreover the ground of their rejecting the Popes usurpations in temporal matters is there thus expressed,

Ibid. *For that the Crown of England is free, and hath been free from earthly subjection at all times, being immediately subiect to God in all things touching the Regalities of the same, and not subiect to the Pope.*

99. All these lawes and many other of the like kind, all the Kings Catholick Subjects knew, and willingly submittid to, without any prejudice to their belief that the Pope was the supreme pastour of Gods Church *in spiritualibus.* And all these Lawes are still in force, and the penalty of them no less then a *premure.* Our *De-fide-men* are not much concern'd in all this: but sure persons of honour and loyalty, and such as have Estates in the Kingdom, are very deeply interested.

100. And now let any *English Catholick* judge what reception such a *decree or Article of Faith* would have had in *England* in those most Catholick times, if they had been proposed. Those that were so jealous of the least diminution of the Kings temporal power in matters of the smallest consequence, and that imposed the greatest penalty but death upon transgressours, that is, upon all Factours for the gaining to the Court of *Rome* any illegal temporal Authority

rity, with what indignation would they have heard only the mentioning of the reception of such a Decree? And yet those Lawes were made not long after that Council had been assembled: whereby it is apparent that they were ignorant of it. Those that would not suffer the least flower of this imperial Crown to be ravished from it, would they admit a power and soveraign Jurisdiction to take the Crown it self from the Kings head, and afterward the head it self from his Shoulders?

101. It is true, the teaching of such an Article of faith brings very great temporal commodities to thole few that have the cruelty to their Country to become the preachers and Apostles of it: great favour and power they gain thereby abroad, and therefore they will take it kindly at the hands of English Catholicks, if for a mere Secular advantage of theirs, they will be content to Sacrifice their own Estates, Honours, Families and lives, as traytors, to the lawes, and withall bring an unavoidable scandal to Catholick Religion, besides. But truly this is too dear a rate to be paid for such a commodity:

102. A man would think that such Apostles should be content, yea and by their own Doctrine of probability should be obliged to grant this Doctrine of the Popes deposing power to be somewhat less then an Article of Faith. The opposition of the whole State & Ecclesiasticks of France against their single forces surely may be available to make it pass at least for a probable Opinion. But this they must not allow, because if it be not an Article of Faith, unles's infidelity to Princes be de fide, it signifies just nothing, neither can it have any effect at all. For certainly no Law nor

justice wil permit that an Authority only probable, and therefore questionable, can dispossess Kings of their right to a *Supremacy in temporals*, in which they are actually instated: So that such an Authority can only have force to dispossess Princes already dispossessed.

103. However they would esteem themselves much bound to any other learned Catholicks among us, if they would condescend to grant that it is only probable that it is a *point of faith and decree of a General Council*. But in vain will they expect such a compliance. For by granting only so much, it will necessarily follow? 1. That all the so rigorous censures given of it by the Parliaments and Universities of France have been most temerarious and damnable. For what can be more horrible then to call a *Doctrine impious, seditious, detestable, &c.* which probably is a fundamental Christian verity? 2. That the preaching of that *doctrine* will be far more safe, yea only safe in conscience: because if it be probable that it is an *Article of faith*, the teaching of the contrary may perhaps come to be *Heretical*, which the teaching of it cannot be.

104. In vain therefore do they expect so easie a condescendence from others: and the more unreasonably, because themselves dare not justify this their *Article of Faith* in the Catholick Kingdom of France to be so much as a *probable opinion*; no not in these times when they lately had a great *Cardinal a Minister of State* their *confident*, and a *Confessarius* or manager of the Kings conscience, their *Court-instrument*: Who is so much, too much a *Courtier*, and (as long as he lives in France) too little a *zelot* for this their *peculiar principle*, as that he dares not so much

as motion to his penitential acceptance of that Decree of Lateran interpreted in their fense, but freely absolves him, and admits him to the communion without so much as confessing among his faults his dis-believe of this Article, yea professing the contrary. Nay more, they themselves whilst they are there, do not believe it: for if they did, they would not surely omit to attempt the conversion of French Catholicks, at least, *in articulo mortis*, to this their Fundamental point of Faith; but this they dare not, and care not to do, nor do they refuse to take mony for praying for their souls, as they did formerly in England to some that defended the Oath of Allegiance.

105. What charme then have they to make such a topical, uncatholick Article of Faith to serve only for the Meridian of England, which of all the Countries in Christendome ought least to hear any mention of it? They themselves in France are, or at least appear Catholicks *a la mode de France*, and dare not somuch as in a whisper say that this is a topical Opinion, much less an Article of Faith: And yet the King there is of the Popes own Religion, and consequently not obnoxious to the danger of it. What stupidity then, what blindness do they presume to find among us English Catholicks, that they should fancy that we do not evidently see that it is their own secular interest only that makes the same point of Doctrine to be *de fide* in an Island, and a pestilent errour *in terra firma*?

106. In vain therefore do they hope that all Catholicks which have not made them the Depositaries of all their reason and common

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some will admit a position infinitely prejudicial to their Religion, to their King, and to their own souls, which they would renounce in regard of their own single Estates or persons. For suppose a *Bull of Excommunication* should be procured from *Rome* against any *Catholick Lord, Gentleman, or Farmer* in *England* for some new *Heresie of Jansenisme*, or for denying their *Exemptions*, &c. and that in consequence thereof, the *Pope* by his *temporal Authority* should lay a fine upon their heads, or deprive them of their *Titles and Estates*: Would those *Lords* or *Gentlemen* quietly be content to be *unlorded* and become *peasants*, or would they pay their fines and resign their Estates to such *Apostles*? If not, as most certainly they would not, with what conscience would they suffer themselves to be perswaded that the *Sacred person* of their *Sovereign* only is obnoxious to *slavery, beggary and danger*?

107. Though that party therefore be so render-conscienced that they dare not, or so obnoxious to *Superiours* abroad that they must not, according to the clause of this *Oath of Allegiance, I swear, that they do detest as impious that position of theirs*. That *Princes* excommunicated or deprived by the *Pope*, may be deposed or murdred by their subjects: Yet since *English Catholicks*, yea even their own penitents will be both *good Catholicks*, and therefore *good subjects*, as all are in *France, Germany, Venice, Flanders, &c.* Till an *Authentick approved, received decree of the Church* be produced, or procured to declare, not in *England only*, but all *Christendom* over, that that *position is de fide*, they will

will not be depriyed of their Christian libert-
ty to renounce it, especially being assured
that without renouncing of it the State will
never acknowledg them for loyal Subjects.
It is well known that in France there was an
Oath framed by the whole Body of the fiers
Estate, in which they are to be found farr
more comprehensive expressions then are in
our Oath, for therein is expressly affirmed,
That there is no power on Earth, either spiri- Wid-
tual or temporal that hath any right over his dinge. last
Majesties Kingdom to deprive the sacred per- Rejoyn-
sons of our Kings, nor to to dispence with, or der.p.
absolve their Subjects from their loyalty and 425.
obedience whi h they owe to them, for any cause
or pretence whatsoever.

108. This will suffice concerning that po-
sition, which those who will not be permit-
ted to renounce, but rather maintain it to
Article of faith, yet however will perhaps
not refuse to profess themselves ready to
swear. 1. That the Kings of England excom-
municated by the Pope, may not be murthered
byt heir Subjects, and to detest the contrary as
Heretical. 2. Yea moreover, that notwithstanding
any sentence of deprivation ever here-
after, upon what occasion soever to ensue, they
will bear faith and true Allegiance to his Ma-
jesty and his successors. And what needs
Princes desire any greater security (say they)
what need they trouble themselves with
their Subjects speculative opinions?

109. But (alas) a miserable security, a
poor testimony or gage of fidelity is all this,
God knowes. For first, *Murder* being an
unjust killing out of malice, and with a de-
liberate purpose, is a sin so horrible in it self,
that God himself cannot make it lawfull,
much

much lesse the Pope: therefore in all reason instead of those words [*May not be murdere*] they ought to say [*may not be killed by their Subjects*] For otherwise notwithstanding that Oath the Pope may be acknowledged to be a competent Judge of life and death over our Kings to sentence them to the slaughter, and that sentence may be put in execution without *murther*: For who ever said that a Malefactour put to death by Law was murthered by the Judges sentence?

110. But whether they say [*May not be murthered*] or [*May not be killed*] Princes will esteem themselves little advantaged by such an Oath, unleesse the swearers say withal [*May not be deposed*.] For whosoever has a supreme just right upon any pretence whatsoever to *Depose Princes*, has thereby right to cause them to be *killed*, in case they by armes oppose the Execution of that sentence. And can it be imagined that any Prince judged an Heretick or otherwise guilty by the Pope, and by him sentenced to be deposed will thereupon quietly descend out of his Throne, and yield up his Scepter to one of a contrary Religion? Or rather, is it not most certain that they will not, but on the contrary bring with them many thousands of their armed Subjects to resist the execution of such a sentence; all which must together with them be killed or inurthered before it can have its full effect?

111. In the next place touching the *Offer* made by the same persons, who without renouncing the position of the Popes *deposing power* will however *swear future Allegiance to the King and his Successours*, notwithstanding any

any past or coming sentence of Deprivation; in what age do they hope to find in England a King that will be so simple, and so overgood-natured as to believe them, or rely upon such a Promise, especially considering what passed little above fifty years since? Is that Oath to be believed which they that take it do know to be unlawful, and consequently to be *ipso facto* null and invalid, so that it must be repented of, and must not be kept? For either they must swear that as soon as ever they shall have taken their rectified Oath, the Kings of England will have this particular priviledge aunexed to their Empire, that they shall never deserve (let their religion or practices be what they will) that the Pope should exercise his just authority of deposing them; that they alone will be out of danger to the worlds end of being denounced *No-Catholicks or Rebels to the See Apostolick*: And this none can swear without the spirite of prophecy, which they will hardly persuade the State here to believe to be in them: *Or else*, they will swear that though the Pope never so justly and necessarily exercising his lawful authority should command the Deposition of any of our Kings, and absolve all their Subjects from their Allegiance, yet they against their duty, conscience and Religion will disobey such his lawful authority, and continue in Allegiance to him, to whom in such circumstance an *Article of their Faith* obliges them to believe that no Allegiance is due, but rather utmost hostility. Now who will believe such an Oath as this? Or rather will they not be esteemed for such an oaths sake, resolved to be disloyal both to God and man? After this manner argues the

great

Swar. de-great Master in the Depositing Doctrine, Swaver, fens. Fid. writing upon this very Clause of this lib. 6. c. 3 Oath.

112. I would to God I could have delivered my conscience on this subject without danger of incensing or contristating any person. But in the present conjuncture of affairs, after so many years proof of the constant fidelity of Catholicks to his Majesty, it being necessary that the State should be assured that such fidelity proceeded from a principle of Catholick Religion unalterable; to discourse upon such a subject with a complying softnesse and tendernes to any party, that is, without a free, hearty, sincere and confident renouncing of a false principle of disloyalty maintained but by a very few, but imputed to, and punished in the general body of English Catholicks, would have been to betray the cause of Catholicks in general, and to justify the suspicion that Protestants have formerly had against our Religion.

113. There is another sort of *loyal*, well meaning Catholicks, who have no scruple at all to renounce this pretended Article of Faith, nor to make any the most strict professions of their Allegiance, but in this Oath meet with some Expressions and adventitious phrases nothing pertinent to the substance, which they out of tendernes of conscience cannot swear to. For first, they seem to profess a Declaration of a point of Faith which a particular Christian cannot presume to do. Again, they cannot say that Position of the Popes depositing power is Heretical: any other ill names they will be content to give it, but they dare not swear it

it is *Heretical*, because the contrary is not evidently in Scripture, neither has it been condemned by the Church.

114. For the former, Protestants perhaps will account it a needless scrupulosity, since those which framed the Oath never intended that any one that takes it should seem to make himself a judge and decider of a point of faith, but only to signify his acknowledgment touching it. Besides (say they) this is the ordinary stile by which a Profession is made abroad of the condemning and revoking of any erroneous propositions, which are by Parliaments and Courts declared to be *impious*, *sedition*, &c. Not that each Doctor, or whole faculties take upon them an *Authority Conciliatory* to propose doctrines to the Church, but only to testify their judgment concerning them.

115. But the second difficulty will not so easily be cleared, which is the profession of detesting such a position as *Heretical*. Because catholicks know that it cannot be called *Heretical* according to the notion of that term universally received among them: and what notion Protestants have of that word does not appear by any publick Declaration of theirs; how then can catholicks by Oath protest a detestation of that position as *Heretical*, since if they understand it in their own sense they should swear that which they know to be false: and if in any other unknown sense, they shall swear they know not what? Besides they should by Oath testify, that all *Popes* that have exercised, and all writers that have maintained such a *depositing* power, are to be esteemed *Hereticks*, persons fit to be excluded from *Catholick communion*. And

And what Catholick alive will presume to say this?

¶ 116. Such is the case of afflicted Catholicks touching these two Oathes: their tendernesse about phrases hath hitherto been either interpreted, or at least treated as professed disloyalty. But their hope now at last is that his Majesty according to his most gloriously clement disposition, and the whole State so miraculously renewed, will with a compassionate eye look upon, and read their most secret thoughts touching this matter. Though their abilities and number be inconsiderable, yet Justice even to a single person ought not to be esteemed so. They are not unwilling, nay they are desirous to be obliged to make protestations of their unalterable Fidelity, Obedience and peaceable submission to the State: and if none other besides themselves shall be esteemed to deserve to be obliged hereto by Oathes, they are contented to endure such a mortification, and they beseech God that his Majesty may never have just ground to suspect any others, for then they are sure that without any Oaths at all he may be most secure.

117. If any Oath of Supremacy shall be still accounted necessary, they only beg that they may not seem to renounce the Supreme spiritual jurisdiction of him whom they acknowledge for the Head of Gods Church: or at least that for refusing to renounce this, and suffering for such a refusal, they may be acknowledged to suffer purely for their religion, without the least imputation of Disloyalty to his Majesty, which they will never be guilty of, whether they swear against it, or no.

118. That

118. That which they deprecate in the *Oath of Allegiance* is that which God himself requires, that it may not be ambiguous, difficult to be interpreted, nor charged with expressions which if they were absent would not prejudice the substance and intention of the oath: and being present do render the whole ineffectual. They are assured that the first framer of this Oath, K. James never intended to intangle the consciences of his subjects, and if he had foreseen that a few unnecessary words would have rendered them uncapable to serve him, he would never have made choice of such unhappy expressions. But so long experience having demonstrated what it is that wounds the consciences of Catholicks, they confidently hope that this tenderness will shew how infinitely more tender they will be to keep the Fidelity promised in the oath, since they have kept it when they were treated as breakers of it, only for, I cannot say, not daring to professe it, for that have alwayes been ready to do: but for not darcing to say things unnecessary to be said, or that they understand not or are not permitted to Explicate their meaning.

119. Never certainly was there a time when it was either more seasonable or more necessary to obstruct all passages of jealousies amongst English Subjects, and to prevent all attempts of disturbing the Kingdome's peace. As for other *Seeds*, the State will (it is hoped and prayed for) be assisted by a divine wisdom, to provide against the particular tempers of each: and as for *Roman Catholicks* no other expedient will be necessary but to afford them means to shew abroad that Fidelity which their Religion indispensably obliges

liges them to. This indeed will be a great affliction to other Sects among us, who would rather forgive Catholicks for being real traitors, than for manifesting themselves in the eyes and to the satisfaction of all to be good Subjects.

120. Certainly that old policy of Queen Elizabeths Calvinistical Statesmen is now very unseasonable, and was alwaies dangerous, of first fomenting divisions among Catholick Subjects, especially about principles of loyalty and disloyalty, and then exposing both the loyal and disloyal subjects indifferently to the same rigour of lawes. Surely it is of greater concernment now for his Majesties security to unite all Catholicks with one heart to assist and defend him by casting out all principles of disloyalty inconsistent both with Catholick and Protestant Religion.

121. Now what more efficacious mean, or rather what other mean is there for this then that which his Majesty may if he please conferr upon them by allowing such an Ecclesiastical Government among them by which there will be produced a true Christian Unity and Uniformity both in opinions and practices, and consequently by which without giving the least jealousy, but on the contrary very great security to the State, they may all be united to concurr in promoting his service?

122. Now to what special parties both within and without the continuation of a defect so prejudicial is to be imputed, is but too well known. It is not to be doubted but that the forementioned party will make use of all their skill and power to oppose all good

good correspondence among them, upon more then one Motive. For 1. A strong affection which they have to independence, and to a promoting of their particular interests dividedly from all others (by which means they have got great power abroad, little for the publick good of this Kingdom) this will make a common union very unwellcome to them. 2. And again they will easily foresee that by this only means those wicked principles of *disloyalty* which made them heretofore eminent abroad, must necessarily then be renounced. They will no longer be looked upon as the only *Apostles* of a foreign temporal power, either *direct*, or (which is as bad) *indirect*; the enormous *writings* and *worse practices* of their *Forefathers*, which only procured the continuation of the *Oath of Supremacy*, and the framing of that of *Allegiance* together with the sharp lawes, not against them alone, must be condemned to the same fate that they have suffered in other Kingdoimes: and lastly an advantage of corrupting good English Natures with *Maximes* of *Morality* odious to all Christen-dom, and condemned by supream Authority will be taken from them.

123. These cannot chuse but prove unto such dispositions very great mortifications, and as great as any of these, would be the framing of *Oaths* which all good Catholicks could securely take. For it is well known that they have been publickly told that it is for their advantage only that such *Oaths* are imposed here as cannot generally be taken, and that worse newes cannot come to their brethren abroad, then that such *Oaths* were taken away from Catholicks: Because they have a strong apprehension that themselves

having been the sole clauses of those rigours against the whole body of English Catholicks, shall have but a small portion in any future indulgence without an explicative, satisfactory renunciation of their principles, and an assurance given to teach the contrary, as they were obliged by an Arrest of the Parliament of Paris, A. D. 1626.

124. And that this was no suspicion groundlessly taken or invented, there was produced a well known verified story happening toward the latter end of Queen Elizabeth's reign: For that Queen being at last satisfied of the loyalty of certain Catholick Priests, had a purpose to shew some indulgence and qualification of the lawes to them. Hereupon certain of their Brethren went to Rome to carry such good newes thither, whither being come they were by that party branded with the names of Schismatics, Spies and Rebels to the See Apostolick: and moreover there was by one of the party [T. F.] compiled a Treatise in Italian to advise his holyness, That it was not good or profitable to the Catholick cause that any liberty or toleration should be granted by the State of England to Catholicks. And why not good for the Catholick cause? Because not for their own interest: For having been persons never formerly admitted to y publick authority into this Kingdom, and having given sad proofs of their temper, they did not without reason suspect that if only good loyal Catholick Subjects were tolerated, their so dangerous, and to themselves only advantageous principles must be abandoned.

125. It is not therefore to be expected, but that a charitable concurrence of several Ecclesiastical pastours here would be to them very

Widdr.a-
gainst
Fitzharb.
in the
pret.p.
66.

very unwellcome. But the commodities and Benedictions flowing therefrom are unexpressible. For 1. Thought perhaps by a hindrance thereby given to that parties divided way of agitation here, the number of Catholicks among us might come to be diminished; yet then there would be none but good, charitable and obedient Catholicks in *England*, free from all intelligence or designs abroad. 2. Matters of discipline and Spiritual Government would not be only and immediatly ordered by a *Court* too far distant from us, and too much suspected by the State here. 3. *English Catholicks* would be freed from a burden, (and the King from jealousies) to which no other in the World are obnoxious. For in *France*, &c. none dare under utmost penalties execute orders or publish *Mandats* without express allowance from the State, though such briefs touched only spiritual matters. Whereas in *England* whensoever any such briefs are published at *Rome*, although upon information of one interessed party, there being no settled correspondence of *pastours* to whom they ought in common to be directed, & by them communicated to their respective flocks, not only the consciences of particular Catholicks are disquieted, whilst some of their *directours* press the validity of them, & others reclaim: but the State also, not causelessly, entertains jealousies, & suspicious of secret practises, not being at all, or not sufficiently informed. All which inconveniences by such a *Government* would be easily avoyded. 4. Lastly by this means Catholicks would be enabled to receive from his Majesty any orders that may be for his service, and effectually put them in execution.

126. It is well known what important ad-

vantage the Prince of Orange, and the *States* of *Holland* received from the Catholick Bishop there, during the seditions between the *Arminians* and *Calvinists*: The Prince doubting the success of those contentions, to strengthen his party, sent two or three persons of condition to the Bishop usually residing at *Amsterdam*, to propose to him these two demands: First, to whether of the two *Factions* the *Catholicks* had an inclination to adhere: Next, what assistance of forces they were able to bring. The Bishop being then absent, they were to this effect answered by his *Vicarius in spiritualibus*: As to the first, That without studying or consulting with his brethren he could immediately assure his Excellency, that he being the prime person trusted by the *States* with all their forces, the Religion and consciences of all *Catholicks* obliged them to offer their Estates and lives for his service and assistance. But that he could not give an answer to the second demand, till two sundayes were passed, in the one of which he was to publish orders for enquiry into their numbers, and in the other to receive information. And in effect accordingly after the second Sunday he gave them assurance of the readiness of above ten thousand well appointed Soldiers out of that one City. This hapned in *Holland*, where *Catholicks* though proportionably far exceeding us here in numbers, yet never gave any jealousy to the State, and the less because of their good correspondence among themselves.

127. Such and many other great commodities flowing from such a Government, it is no wonder that besides the formentioned party, there should be found out of the Church also many that haye, and no doubt will

will endeavour to oppose it, especially their embittered Enemies the Presbyterians, partly out of the hatred which they bear to the very name of lawfull pastours, which they want, and will not have: but principally least Catholicks thereby should be in a better capacity to serve his sacred Majesty, and his faithfull Subjects after a manner that they do not desire; and this not only by sacrificing their Estates and persons to the maintaining of his power and safety, but also by gaining to himself and the State, both civil and Ecclesiastical here a great affection and readiness of an assistance from Catholick Kingdome, when it shall appear that in England the scandal of disloyalty which heretofore was cast upon Catholick religion in general, shall be taken away.

128. These things considered, and moreover that the Presbyterians, &c. (implacable adversaries to Protestant Religion and Government, as well as Catholick) have great intelligence and correspondence abroad upon that account, and for the mere interest of their Religion, which Protestants hitherto are utterly destitute of; it would be strange if there should still remain any one among them, after so long experience of the ready concurrence of Catholicks with them in adhering to his Majesty, and suffering with them for him, who should not now at last have spent all their aversion from them, no & being more interested then they to make use of all lawfull means to enable his Majesty, now more then ever to oppose all future practices.

129. It hath been an objection formerly against this, *That the promises made by Catholick Ecclesiasticks of Canonical Obedience*

Ob. 2

Reflections upon the Oathes

to their supreme pastour in their ordinations are dangerous to the State. But alas how groundless is such a fear? For (this ground being once laid and assented to, that no forraign power whatsoever bath any right to dispose of temporals in these Kingdomes) what shew of prejudice to any Mans loyalty is the promise of Canonical Obedience in mere spiritual matters? Do not all Ministers in England owe and promise Canonical obedience to their Bishops, and Presbyterians to their Consistories, which yet in merè spiritualibus, they will not allow to be subject to the King, but only and immediately to our Lord? Besides, all manner of such submissions and Obligations are every where meant and understood, and if need be, may be expressed with a *Salvâ Obedientiâ Regi debitâ*. What apprehension have the Kings of France, Spain, or the State of Venice from such promises? And yet were ever any Princes more scrupulous in defending their temporal superiority and authority against the power by some flatterers ascribed to the Pope, then the King of France and the State of Venice are? Nay they would not be so secure of their pastours loyalty, if they should suspect them to be regardless of their duty to the Church, which indispensably obliges them to loyalty.

S E C T. X.

Of his Majesties Declaration for liberty of tender consciences. And who they are that have the justest pretensions co. the benefit of it.

130. **B**Y what hath been hitherto said it is apparent, that the words, phrases and Formes of these Oathes are at least ambiguous: and that by such ambiguity no manner

manner of convenience, not the least addition of security accrues unto his sacred Majesty or the State &c. but on the other side infinite prejudice to his afflicted Subjects: What then can be more just, more for Gods honour, more becoming the benignity of his Majesty, and more for the reputation of the Kingdom then that such *ambiguous expressions* (suggested no doubt by some particular malignant spirits) should be cleared or taken away: and that Oathes should be conceived in such a form that they may be taken uniformly, sincerely and cordially by all good subjects, and must be refused by all ill Subjects; and withal that our Princes safety and the peace of the Kingdom may be provided for, by them?

131. Besides the ambiguity, there seems now to be another *Motive*, more pressing, though none can be more weighty to persuade a change in the Formes of the Oathes, and that is this. When the Oathes were made the intention of the State was to have one only Religion openly permitted in the Kingdom: and then the Catholick was that which appeared opposite to it, as having been formerly the only Religion of the Kingdom: and for this reason consequently the Oathes were framed either upon a jealousy of a doubtful title, or at least against some special point about the *Popes Authority*, which one party among Catholicks falsely pretended to be essential to their Religion, & in consequence thereto gave too just cause to the State to provide against them.

132. But of late the temper of the Kingdom is strangely altered. God only knowes how many *new Religions* are started up, the natural issues of the more ancient *Presbyterian*

in private spirit: All which perhaps think themselves little or nothing concerned in Oathes made against Roman Catholicks, and therefore will not much stand upon the taking of them: by which means they, notwithstanding their known principles and practices, destructive both to Allegianee and peace, will passe for good subjects, without any obligation to renounce such principles, or change such practices: and only Roman Catholicks will keep the Oathes, though they dare not take them: by which means being yet more odious to such Sects for keeping the Oathes then they would have been if they had broke them, the only revenge that the others have against them, is to force them to take them. So that between them all the security of his sacred Majesty, which was only intended by the Oathes, is not in the least measure provided for. Yea I may, I hope, be permitted to say, That his Majesty thinks himself secure of those that do not take the Oathes, and stands in great need of securing himself from too many that freely take them, and swear to be loyal to him. What then can be imagined more necessary for a cure to so great a confusion, then to change such inefficacious instruments of Loyalty?

133. But moreover since it is not to be doubted but that his Majesty will not be unmindful of his promise so publickly made of a liberry for tender consciences, and that none shall be called in question for differences of opinion in matter of Religion, which do not disturb the peace of the Kingdom: Those certainly will declare themselves most unworthy of the fruit of so unexampled a beingnity, that shall either expect from such a promise a liberty to

to reserve any ill principles of Disloyalty, or that shall exclude from the benefit of it any other of his Subjects that shall submit themselves to all possible proofs of renouncing such principles, and that have hitherto without any Oathes taken, constantly adhered to him.

134. As his Majesty therefore has been pleased to take notice that among his Subjects of a different belief there are *tender consciences*, and has promised to have a merciful regard to them: So it is most just and necessary that his Subjects likewise should allow his Majesty to have a *tender conscience* too, to which also they must have regard. Now wherein can He (or any in authority under him) more truly and perfectly shew that he has a tender conscience with regard to his Subjects, then by using his Authority to root out all *ill Principles* that disturb peace, or dispose to sedition and Rebellion? For this end especially Princes were ordained by God: So that if they do otherwise, they should resist the ordinance of God, and become far worse then *Tyrants* to their people. Those Subjects therefore that would expect or desire that the maintaining any principles of disloyalty should be esteemed a proof that they have *tender consciences*, do consequently expect that the King should give them leave, whensoever they have a grudge in conscience thereto, *to depose him*, and to put the whole Kingdom into confusion.

135. And now, till his Majesty shall vouchsafe to interpret his promise more distinctly, let any indifferent person judge, who they are among so many different beliefs that ought to be esteemed to have *tender consciences*, and to hold *Opinions which do not disturb the*

the peace of the Kingdom: whether they that have and ever will be ready to give all possible proofs of *loyalty* both by words and deeds, so that the words by which they profess this may not prejudice their religion in a point of mere internal belief which has not any influence upon their Loyalty: and who if they cannot otherwise then by betraying their faith be accepted and treated as loyal, will protest themselves bound in conscience and by their Religion never to *disturb the peace of the Kingdom*, but patiently to suffer as if they did disturb it; Or those which make no conscience to swear according to a Forme that requires loyalty, though they know that such a form in the proper sence of the words cannot consist with their belief; and when they have done, make lesse conscience of violating that duty which they know the law requires, and which ought to have been performed though they had never sworn it. Surely unlesse passion alone be judge, unlesse that be to be called a *tender conscience* which is none at all: and unlesse the Title of *disturbers of the peace of the Kingdom*, be appropriated to those only that trouble no body, and wrongfully imputed to those only who are irreconcileable to all that love and promote peace and loyalty, both Protestants and Catholicks, there will be no errour in making a judgment.

136. It is not out of any design to please men, but only because God and religion require it, that Roman Catholicks acknowledg *his Majestie to be our supreme Gouvernour over all persons, and in all causes, as far as Kingly power can be exercised in them*: And by Gods grace it is not any fear of man that shall hinder them from professing that they acknowledg the

the Pope to be the supreme Spiritual pastour of souls, not only not subject to Kingly Civil authority therein, but in his line above it, as all spiritual jurisdiction of the Church is, (by the testimony of Dr. Carleton in his Admonition to the Reader.) It is purely from the fear of God that they deny unto the King a Spiritual Jurisdiction, and to the Pope a Temporal. Flattery, disrespect or malignity have not the least influence on either of these professions: If they should ascribe to the King a Pastoral authority in spiritual matters, or to any Spiritual Pastours a Lordly dominion over the persons or lives of other mens subjects, and much more over Kings themselves, they should give to *Cesar* the things which are Gods, and to God spiritually ruling in his *Vicar*, the things which belong to *Cesar*: they should herein wrong both the Pope and the King too, and by mixing or doubling either of their powers, destroy both. As for their Duty to Kings, they hear our Lord saying, *The Kings of the Nations bear a Lordly Dominion, but nor so yee* (my Apostles :) *I have not given to you any such authority* : yea they find our Lord refusing to be a King, or so much as a Judge in temporal matters, but not refusing to pay tribute, nor to acknowledg *Pilate* to have power from heaven over him. They hear the first Vicar of our Lord St. Peter commanding with an authority greater then *ex Cathedrâ*, *Be subject to every humane creature, to the King as preceling all others, &c.* Again, as touching *Spiritual Pastours*, they hear St. Paul say, *The weapons of our warfare are not carnal, but spiritual. They are not carnal, nor externally coactive by attachments, imprisonments, banishments, executions, &c. but far more powerful as being Spiritual, binding*

binding and imprisoning in invisible chains, banishing from the Communion of Saints, delivering up to Satan, &c. It is a zeal to this Jurisdiction, a Jurisdiction greater then any that the Angels enjoy, that forbids Catholicks to enervate it by adjoining thereto, with an opinion of making it stronger, a carnal authority; as knowing that Popes were never so powerful over mens souls, as when they despised worldly advantages. By hearkning to flattering Canonists or Schoolmen who invested them with Temporal power, Popes never gained any so much as temporal commodity to themselves, but infinitely prejudiced their spiritual; being often looked upon by Princes not as Fathers, but as, &c. So that the Parliament of Paris in their censure did very justly say, *That such doctrines rendered the dignity of the Pope odious.*

137. This is that which Catholicks have been taught by Gods word, by tradition, by Counsels, &c. this they are ready with or without Oathes to professe, and which, God willing, neither oathes nor lawes, nor humane power shall force them to deny. If this renders them obnoxious to the penalties of lawes as ill subjects, yet it cannot make them ill subjects; if this renders them disloyal subjects, there is not a loyal subject in France, Germany, &c. if humane tribunals condemn them, God will in his time acquit them.

138. In a word, to demonstrate how little they deserve the imputation of being not most perfectly good Subjects, *Roman Catholicks* are ready to subscribe to such a profession and oath of Loyalty, as whosoever takes it will give all the security of Fidelity that honour, conscience, religion and the hope of eternal happiness, or fear of eternal damnation

Of Supremacy and Allegiance.

tion can lay upon a soul, that is, By Oath to protest not only an indispensable obedience and non-resistance in all things to his Majesty and his successors of what religion soever they be, but also a firm persuasion or belief that it is absolutely unlawful upon any pretence or motive whatsoever, either of ascribing to any other an undue power, or even of defending religion, for subjects actively and with armes or violence to oppose his Majesty. By the same Oath they will oblige themselves to discover all secret plots or conspiracies against his Majesty or the State. This Oath they will promise to keep inviolably, from the obligation of which no commands or persuasions of any person whatsoever, spiritual or temporal, no private interpretations of Gods word, no supposals of divine inspirations shall or ought to free them. And lastly, both in this and all other promises they will sincerely profess a detestation of the abominable doctrine of mental reservation, and of the lawfulness of breaking faith given to Heretics.

139. If this will not serve to approve the loyalty of *Roman Catholicks*; if there be no possibility of conjuring down the furious *Calvinistical spirit* among us, but that it must be suffered both in *Protestant Churches* to preach down *Prelacy* and *Ecclesiastical Government*, and in the *State* to embitter lawes for their own advantage only, & to the prejudice both of *Protestants* and all other good subjects: what will become of the *reputation* of the *English Nation* in *foreign Countries*? It is too well known how strangely we are fallen of late in esteem abroad; the dismal effects produced in this Kingdom by that ill spirit, have been, though unjustly, imputed to the whole Kingdom: *English men* have been looked upon as enemies both to God and their Kings, as per-

sons ready to admit any frenzies in religion, & the horriblest cruelties against their princes.

140. But blessed be God, his divine Providence hath wrought miracles to restore our reputation again, which was almost forfeited. All the world almost is now satisfied that the generality of *Englishmen* are the best Subjects in the world to the best of princes; and therefore it is to be hoped that the *Presbyterian spirit* will not, now that it is so well known, be permitted to have that influence as to imprint again upon us this peculiar character, That *England* is the only Nation in which pure religion is most pretended to, and the way to make that challenge good is (by the malignity of one faction) to make the most sacred bonds of *Religion* snares and engines of unlawful passions : where a just and peaceable Government is designed, and the way to it is by unlawful, however legal, means to make peace impossible : where oathes are framed against disloyalty, which are ruinous only to good subjects, and advantageous to the disloyal : where loyalty and duty are only excluded from rewards, or even INDEMNITY : where lawes are made against crimes, and the penalties of those lawes are insupportable only to those that are free, and are known ever to have been free from any suspicion of such crimes, and are commodities and rewards only to the Nocent : where persons of approved fidelity are condemned as traitors, and both *Jurors, Witnesses & Judges* for the most part are *Presbyterians*, very incompetent and unindifferent parties in such matters, and especially against such accused persons : Lastly where the only proof of renderness of conscience is to fear their consciences ;

and

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and of no intention to disturb the publick peace, is to take oathes with an intention, yea an obligation in conscience to break them; and openly to profess both by words and known practises that peace shall never be settled till the whole frame of the Kingdom, both for Religion and government, shall be first broken in pieces, and then new moulded for their own only advantage. And after all this, if *Rebellion* and *desolation* follow, we will wonder (forsooth) what denierit God can find in us to punish, and how it could be possible that a desolation should happen in a Kingdom, where piety, justice, and his sacred Majesties safety have been so well provided for.

141. If among all Religions and Sects now swarming in this Kingdom, there shall yet be any English Protestants that are still implacable against Catholicks only, it will be more suitable to English dispositions which heretofore have been above all other Nations esteemed frank and sincere, to discover their intentions clearly: let them therefore say, *We will only destroy that Religion which all our forefathers professed; which through all Christendom abounds most with learning, civility and loyalty; which gave to Protestantcy our Baptisme, Bishops, Churches, Estates, and whatsoever affords us an advantageous appearance above all other Sects; the professors of which only will assist us in the maintaining our privileges against sacrilege and professed prophaness; which will indispensably concur with us in preserving his Majesties person and prerogatives from the attempts and usurpations of all others; these are the only persons we will destroy: And because a publick promise is made of liberty to tender consciences, we will annul or interpret it so, as that only those shall have no right to it that dare not swear an ambiguous Oath, but with all dare less think it lawfull to neglect that*

that duty which is intended by the Oath: Those only shall be excluded from the protection of lawes, or banished, or made the *Victimes* of publick rigour: But as for all other Sects, the names and number of which we do not know, or if we know many of their names, we scarce know how blasphemous and dangerous are their secret tenents, only we know that they are haters of Antiquity, and learning; united in designes of destroying our Religion, our Estates and Government; and what care they are likely to have of his Majesties safety and dignity, hath been shewed these last twenty years: these are the only persons esteemed by us to have tender consciences, because they are bound to disturb peace, to cry down Bishops, to gather hands against lawes, &c. If any Protestants will make this profession, they will at least deal ingenuously; whether conscientiously and prudently, or no, they must be judges.

142. To conclude, if it be necessary (as doubtless it is) that Oaths should provide against ill principles, and consequently that the present Oaths should be interpreted or changed, then is the proper season to separate the guilty from the innocent: For he that justifies the wicked, and condemnes the just, both of them are an abomination to our Lord. Then is the proper time to have regard equally both to loyalty and tender consciences joynly together: And an effectual mean to discover who are such tender consciences as his Majesty intends liberty to, would be to require from all parties a distinct and sincere explanation in what sense and how far they acknowledge his Majesty to be supreme, in all both temporal and Ecclesiastical matters. After which, the State will easily find out who are the tender consciences that are most tender both of their duty to God and of his Majesties safety, and who are they from whom it will behove him to stand most upon his guards.

